# Table of Contents

**Introduction**  
3

**Transitional Justice and Trials**  
4

**The Armenian Genocide: The Trial of Soghomon Tehlirian**  
5  
by Elizabeth Meske, J.D., Ceena Idihula, J.D., and Lou Ann Matossian, Ph.D.

**The Holocaust: The Trials of Juana Bormann, Herta Ehlert, and Elisabeth Volkenrath**  
27  
by Elizabeth Meske, J.D., Monica Booe Chowdhury, J.D., and Michelle Johnson, J.D.

**The Rwandan Genocide: The Trial of Jean-Paul Akayesu**  
54  
by Monica Booe Chowdhury, J.D. and Rachel Hall Beecroft, M.A.

**Darfur: The Trial of Omar Al-Bashir**  
82  
by Monica Booe Chowdhury, J.D.

**Syria: The Trial of Bashar Al-Assad**  
106  
by Monica Booe Chowdhury, J.D.

Ellen J. Kennedy, Ph.D., Editor  
Jim Jacobson, Contributing Editor  
Spring 2019
Introduction
Ellen J. Kennedy, Ph.D.
Executive Director, World Without Genocide

These mock trials were originally prepared for the annual Summer Institutes for High School and College Students. The first Summer Institute was held in 2011. This three-day experience, occurring every August since then, has received the State of Minnesota Ethical Leadership Award for the program’s transformative impact on the young men and women who participate.

They come to us at the height of Minnesota’s summer to study human rights when they could be pursuing many other activities. They come because they already have a commitment to a world of peace and justice and to their own responsibility for making their vision a reality.

The Institute focuses on a genocide or another human rights atrocity from the past and the parallels at local and global levels today. We include a mock trial at the Institute to teach about transitional justice after genocide and about the power of law to create order after a social cataclysm.

Three of the mock trials in this book are based on actual trials of individuals accused of heinous crimes, with some of the testimony included verbatim from trial transcripts. Two of the trials, those of Omar Al-Bashir of Sudan and Bashar Al-Assad of Syria, are wholly fictitious. These two men have not been brought to trial as of spring 2019. The trials were written to encourage students’ thinking about current crises and the very real challenges in bringing those who are accused to stand in a court of law.

Our students begin these mock trials with great spirit for their roles as judges, prosecutors, defenders, the accused, witnesses, etc. They end the trials with insight about the process of the law and about the complexity of defining and finding truth and justice. I hope that you, too, find these mock trials engaging and thought-provoking.

The staff, law students, and lawyers who prepared these mock trials deserve great thanks for their outstanding work.
Transitional Justice and Trials

Transitional justice aims to address past human rights abuses and hold perpetrators accountable for their crimes, attain some measure of justice for victims, and reconcile the country. Transitional justice includes truth commissions, criminal prosecutions, reparations to affected groups and individuals, memorialization, and reforms in political, legal, and civil institutions to stop possible future atrocities.

Apart from punishing those who are found guilty, trials are documented and thus become a permanent history of the truth. As a result, future generations can learn about the true history of the genocide. The trials also act as a memorial for the victims and as an opportunity for survivors to share their experiences publicly and with dignity.

There are different types of courts that operate to provide justice after genocide. These courts can be international and operate under the UN or other international mandates. They can be domestic, held in the country where the crimes occurred, or, through universal jurisdiction, in other countries as well. The courts can also be a joint endeavor by the UN and the country where the crimes were committed. Military courts also provide transitional justice through a court-martial process. Another form of courts is the community-based courts which are held at a local or regional level where the crimes were committed, as occurred in Rwanda, in addition to national and international trials. These mock trials represent both international and domestic trials and both actual and fictional prosecutions.
The Genocide of the Armenians
Ottoman Empire

1915-1923
1,500,000 Killed
Key Figures in the Trial of Soghomon Tehlirian

**Soghomon Tehlirian** was born on April 2, 1897 in the Erzurum Vilayet, or province, of the Ottoman Empire. In fall 1914, he traveled to Russia to serve in a volunteer unit fighting against the Turks. The following year, the Turks ordered the deportation of all Armenians from the area where Tehlirian’s family lived. He lost 85 of his family members in the genocide and collected eyewitness accounts of the massacres.

In 1921, Tehlirian killed Talaat Pasha on the streets of Berlin, Germany. He was arrested by the German police and tried for murder. These materials are a re-enactment of that trial. The trial covered not only Tehlirian’s actions in killing Talaat, but also his view that Talaat was one of the main perpetrators of the Armenian Genocide. Tehlirian’s defense attorneys didn’t deny that he had killed Talaat; instead, they focused on the influence of the Armenian Genocide on Tehlirian’s mental state.

**Mehmed Talaat Pasha** was born in 1874 in the Ottoman Empire. Talaat moved up the ranks of Ottoman Parliament in the years before the Armenian Genocide. He was appointed Minister of the Interior in 1913 and formed the “triumvirate,” along with Enver Pasha and Jemal Pasha (also known as the “Three Pashas”) - who ran the Ottoman government until the end of World War I in October 1918. Talaat is considered the main perpetrator of the Armenian Genocide.

In 1915, Talaat issued an order to close all Armenian political organizations in the Ottoman Empire and arrest Armenians connected to them. This order led to the mass arrest of hundreds of intellectuals within the Armenian community, such as politicians, doctors, authors, journalists, lawyers, teachers, and clergymen. These mass arrests led to the government’s subsequent systematic annihilation of Armenians across the Ottoman Empire.

Talaat was appointed the Grand Vizier (similar to Prime Minister) from 1917-1918, but he—along with the other Pashas and a few other genocide perpetrators—resigned from office and fled the Ottoman Empire in November 1918. He was sentenced to death *in absentia* for his actions during the war (including the “massacre and destruction of the Armenians”) by a Turkish military tribunal in 1919. At this point, Talaat had settled in Berlin, Germany with a false passport; he even changed his appearance so as not to be recognized. However, Talaat was assassinated in Berlin by Soghomon Tehlirian on March 15, 1921.
Enver Pasha and Jemal Pasha were the remaining two of the Three Pashas. Enver Pasha served as the Ottoman Empire’s Minister of War and Jemal Pasha as Minister of the Navy. The Three Pashas were members of the Committee of Union and Progress (CUP) which they transformed into a Turkish political party that sought political and cultural unification of all Turkish peoples. They also sought the relocation and extermination of the non-Muslim population of the Ottoman Empire. Enver and Jemal were also sentenced to death in absentia in the Turkish military tribunal’s proceedings.

General Otto Liman von Sanders was a German general who served as adviser and military commander for the Ottoman Empire during World War I. This meant carrying out whatever orders the Turks gave him. However, as the Ottoman Empire began to lose power, von Sanders could only occupy defensive positions and wait for attacks.

After the war ended, he was arrested in Malta on charges of having committed war crimes due to his part in the Ottoman Empire’s attempt to exterminate the Armenians, but he was released six months later.

Dr. Johannes Lepsius, born December 15, 1858 in Germany, was a missionary and humanist with a special interest in trying to prevent the Armenian Genocide. Dr. Lepsius is best known for his documentation of the genocide. He wrote the “Report on the Situation of the Armenian People in Turkey” and sent 20,000 copies of this text throughout Germany before it was censored. Dr. Lepsius founded humanitarian relief activities, and he tried to influence Germany – as an ally to the Ottoman Empire – to act against the mass arrests, deportations, and massacres of Armenians. His most important work, *Germany and Armenia 1914-1918*, is now considered one of the main documents of the Armenian Genocide; this work contains some of the messages that were sent among leaders of the Ottoman Empire, including Talaat Pasha. Dr. Lepsius, using this work as his basis, testified in Tehlirian’s trial as a witness for the defense.
Bishop Krikoris Balakian, a bishop of the Armenian Apostolic Church, was also a witness to and survivor of the Armenian Genocide. In 1915, he was arrested as part of the raid on Armenian intellectuals orchestrated by the Ottoman government. Over 200 people were arrested and deported during this raid; Balakian was one of fewer than twenty survivors. He was then deported to a town in Syria where he was forced to do labor alongside other Armenian refugees. There, he learned of the Ottoman Empire’s plan to exterminate the entire Armenian population. As he heard of Armenians being killed in neighboring areas, he fled. Germans helped him escape to France under a false identity. In 1921, he testified in favor of Soghomon Tehlirian (along with Dr. Johannes Lepsius) during the trial.

Balakian wrote memoirs entitled *Armenian Golgotha*, an eyewitness account of the genocide. He was one of the few surviving leaders of the Armenian community to record his experiences.

Adolf von Gordon, Johannes Werthauer, and Kurt Niemeyer were Soghomon Tehlirian’s defense attorneys during his trial. They did not deny that Tehlirian had killed Talaat Pasha. Instead, they focused on the deep impact that the Armenian Genocide had on Tehlirian’s mental state. They also used the trial as a vehicle to bring attention to the massacres inflicted upon the Armenians.
# The Armenian Genocide Mock Trial Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Judges</td>
<td></td>
</tr>
<tr>
<td>Three Judges preside over the trial.</td>
<td></td>
</tr>
<tr>
<td>The Bailiff</td>
<td></td>
</tr>
<tr>
<td>The Bailiff initiates the proceedings and swears in witnesses.</td>
<td></td>
</tr>
<tr>
<td>The defense attorneys</td>
<td></td>
</tr>
<tr>
<td>The defense attorneys conduct an opening statement, direct and cross-examination of witnesses, and a closing statement.</td>
<td></td>
</tr>
<tr>
<td>The prosecutor</td>
<td></td>
</tr>
<tr>
<td>The prosecutor conducts an opening statement, direct and cross-examination of witnesses, and a closing statement.</td>
<td></td>
</tr>
<tr>
<td>Four witnesses</td>
<td></td>
</tr>
<tr>
<td>Four witnesses testify in the trial and have 1-3 pages of testimony a piece.</td>
<td></td>
</tr>
<tr>
<td>The defendant</td>
<td></td>
</tr>
<tr>
<td>The defendant, Soghomon Tehlirian, has two pages of testimony.</td>
<td></td>
</tr>
<tr>
<td>Seven detail-oriented jurors</td>
<td></td>
</tr>
<tr>
<td>Seven detail-oriented jurors reach a verdict and recommend sentences. The jury must have an odd number of jurors because a verdict requires a majority vote.</td>
<td></td>
</tr>
</tbody>
</table>

The remaining participants will be members of the press.
BAILIFF—All rise! This district court in Berlin is now in session, Honorable Judge Lehmberg presiding with Judges [insert two more names].

(Bailiff opens the door)

(Judge enters the room and takes seat behind the bench)

PRESIDING JUDGE 1, LEHMBERG—Let us begin by noting appearances for the record beginning with the defense.

DEFENSE LAWYER 1—I am Theodore Neimeyer, professor of law at Kiel University and attorney for the defense, with attorneys Gollnick and Von Gordon, and this is the defendant, Soghomon Tehlirian.

PRESIDING JUDGE 2—And the prosecution?

PROSECUTING LAWYER—Attorney Hoffman.

PRESIDING JUDGE 3—I would like to begin by having the indictment read.

BAILIFF —A student in Mechanical Engineering, Soghomon Tehlirian, born April 2, 1897 in Pakarij, citizen of Turkey, Armenian-Protestant, and since March 16, 1921 is in the City Jail, is accused of:

Intentionally and with premeditation assassinating the former Grand Vizier, Talaat Pasha, on March 15, 1921 in Charlottenburg. According to Article 211 of the Penal Code, this is a crime of homicide. In view of the above-mentioned facts, the incarceration continues.

PRESIDING JUDGE 1—We will now swear in the members of the jury.

BAILIFF —Please raise your right hands and repeat after me:

You swear by God Almighty and All-knowing, in the murder charge against Soghomon Tehlirian, to faithfully do the duty of a juryman and to cast your vote according to the best of your knowledge and conscience.

JURORS (in unison) —I swear it, so help me God.

PRESIDING JUDGE 2 (to the Defendant)—Mr. Tehlirian, if you were obliged to give an answer to this indictment, would your answer be in the negative or in the affirmative?

DEFENDANT—Negative.

PRESIDING JUDGE 3—We will open the proceedings by putting the defendant on the stand and begin the questioning about his background.

BAILIFF (to the Defendant)—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
DEFENDANT—Yes, I do.

PRESIDING JUDGE 1—Can you begin by describing, briefly, what life was like for you like prior to 1915?

DEFENDANT—My childhood in Armenia was happy and largely unremarkable. My parents were merchants. I had two brothers and three sisters. One of my brothers was a soldier. We were a typical Armenian family.

PRESIDING JUDGE 2—Leading up to the massacre which occurred in 1915, were you fearful of the new Turkish government?

DEFENDANT—There were rumors circulating that a massacre would take place, but at the time I was still quite young and did not understand why the new Turkish government would want to kill us. I was told that there were religious and political reasons, but I was too young to truly understand.

PRESIDING JUDGE 3—Can you explain to the jury what happened to you and your family when killings began?

DEFENDANT—In 1914, the war started and the young Armenian men were conscripted into the army. In May 1915, word spread that all schools were to be closed and that the leaders of the Armenian community and the teachers were to be sent elsewhere in groups. In the early part of June, an order was issued for the people to get ready to leave the city. We were all told that money and valuables could be given to the government for safekeeping. Three days later, early in the morning, the people were taken out of the city. As soon as the order was issued, on the outskirts of the city, they divided the people into groups and marched them off in caravans.

PRESIDING JUDGE 1—What happened when you were forced to leave the city?

DEFENDANT—The very same day that we left town, my parents were killed. First, as soon as the group had gone a little distance from the city, the caravan was stopped. The soldiers began to rob us. They wanted to take our money and anything else of value that we had. Then, while we were being plundered, they started firing on us from the front of the caravan. At that time, one of the soldiers pulled my sister out and took her with him. My mother cried out, “May I go blind.” I wish I could not remember that day or what happened next.

PRESIDING JUDGE 1—However, I want to point out to you that, for this Court, it is very important that we hear of these events from you. You are the only one who can give us information about those events. Try to pull yourself together and not lose control.

DEFENDANT—They took everyone away . . . and then they struck me. From the ground I watched as they struck my brother and cracked his skull with an axe. They took my sister and raped her. Then my mother fell. I believe she was shot. I was struck again in the head and do not recall anything after that.

PRESIDING JUDGE 2—What happened when you regained consciousness?
DEFENDANT—When I opened my eyes, I was surrounded by corpses. All the members of the caravan had been killed. I saw my mother's body; she had fallen face down. My brother's body had fallen on top of me.

PRESIDING JUDGE 3—What did you do next?

DEFENDANT—I started walking until I found a village in the mountains. An old lady took me to her family's home but, when my wounds healed, they said they would not hide me any longer. It was contrary to the orders of the government, and anyone who harbored Armenians would be put to death.

PRESIDING JUDGE 1—Were the ones who took you into their home Armenians?

DEFENDANT—No, they were Kurds.

PRESIDING JUDGE 2—Where did you go from there?

DEFENDANT—The Kurds advised me to go to Persia. They gave me old Kurdish clothes because mine were torn and bloodstained. I burned my old clothes and I left. I eventually made my way to Constantinople.

PRESIDING JUDGE 3—Did you ever discuss the massacre?

DEFENDANT—Yes, I used to talk about the massacres a lot with other refugees. I found out who had ordered the massacre from reading the newspapers while I was in Constantinople. Talaat Pasha—he was the one responsible for what had happened to my family and me.

PRESIDING JUDGE 1—Did you make up your mind, at that time, to take revenge against Talaat Pasha, as the one guilty for your family's suffering?

DEFENDANT—No, I did not.

DEFENSE ATTORNEY VON GORDON—I would also like to ask the defendant whether he had read in the newspapers that Talaat Pasha had been condemned to death for these massacres by the Court Martial in Constantinople?

DEFENDANT—Yes, I had read that. I was also in Constantinople when Kemal, another perpetrator of the massacres, was hanged. On that occasion, it was written in the papers that Talaat and Enver were also condemned to death.

PRESIDING JUDGE 1—On various occasions and at various times, you have admitted that you had decided to kill Talaat Pasha. Why is it that you do not consider yourself guilty?

DEFENDANT—I do not consider myself guilty because my conscience is clear. I may have killed a man, but I am not a murderer.

PRESIDING JUDGE 1—When did the idea first occur to you to kill Talaat Pasha?
DEFENDANT—Approximately two weeks before the incident. I kept seeing over and over again the scenes of the massacres. I saw my mother’s corpse. I had a vision where her corpse stood before me and told me, “You know Talaat is here, and yet you do not seem to be concerned. You are no longer my son.” When I opened my eyes, I decided I had to kill that man. The man who murdered my mother.

PRESIDING JUDGE 2—How did you come to reside in Berlin?

DEFENDANT—I moved around quite a bit after the massacre. I lived in Constantinople for a bit and eventually made my way to Paris. I lived in Paris and I studied French for a year or so. Then I decided to pursue technical studies in Berlin. That’s when I moved here to Berlin. I lived with a friend for a while. After I had the vision of my mother, I moved to Hardenbergstrasse, right across the street from where Talaat Pasha lived.

I had seen Talaat Pasha on the street about five weeks prior to the shooting. He was speaking in Turkish with a few other men and they referred to him as “Pasha.” I looked back, and I saw that the man was Talaat Pasha, so I knew he was in Berlin. I found out where he lived, and I moved apartments to be closer to him.

PRESIDING JUDGE 3—Would you say you began stalking Talaat Pasha at that point, after you moved in across the street?

DEFENDANT—No. After moving in to the new apartment, I began to struggle with the thought of killing another man. I asked myself, “How can I kill another human being?” I decided I could not and gave up on the idea.

PRESIDING JUDGE 2—What did you do then?

DEFENDANT—I returned to my studies. I tried to continue with them, but I felt so weak and depressed. I couldn’t focus. I had experienced symptoms like these prior to moving to Berlin. I knew that I needed to rest, or I would get worse, so I made the decision to drop out of school.

PRESIDING JUDGE 2—When did you experience these types of symptoms?

DEFENDANT—The symptoms started after the massacre. I remember when I was living in Paris I would become very anxious and begin to feel dizzy. On several occasions I would have a nervous breakdown and I would pass out from the stress. It was a horrible feeling.

I tried to get help from doctors and they told me that I had a nervous disorder. I suffered from the same thing after moving to Berlin and I sought help from a doctor here as well.

PRESIDING JUDGE 1—Describe what happened next, after you dropped out of school.

DEFENDANT—My mother came to me again in a vision. This one was even clearer than the first. My mother instructed me what to do and I told myself I had to kill Talaat. There was no way around it.

PRESIDING JUDGE 3— Please describe the events of March 15.
DEFENDANT—I was in my room. I was reading, and I saw Talaat leave his house. First, I saw him on the balcony of his apartment. Then he left the house. When he stepped out of the house, my mother came to me again. I saw her before me as though she was still alive. Then, I also saw Talaat, the man who was responsible for the deaths of my parents, my brothers, and my sisters.

PRESIDING JUDGE 1—Then what did you do?

DEFENDANT—The minute I saw him step out of the house, I took my pistol, ran after him, and shot him. He fell to the ground, blood gushed from his face, and a crowd was standing all around him. I felt a great sense of satisfaction.

PRESIDING JUDGE 1—Any questions from the defense?

DEFENSE LAWYER 2—In 1915, before the killing began, can you describe what happened in your city?

DEFENDANT—The Armenians living in the city and in the surrounding areas were gathered together and taken out of the city. Those left behind were driven out later.

DEFENSE LAWYER 3—Did that order come from the government?

DEFENDANT—Yes, we were told that the order came from Constantinople; it was Talaat Pasha’s order.

DEFENSE LAWYER 1—Mr. Tehlirian, earlier you stated that you were aware that Talaat Pasha had been sentenced to death in Constantinople?

DEFENDANT—Yes. I was aware of that.

PROSECUTING LAWYER—But when that verdict was rendered — the death sentence, that is -- the control of the city of Constantinople was in the hands of a different government, isn’t that correct?

DEFENDANT—Yes. That is true.

PROSECUTING LAWYER—Turkey had lost the war and Constantinople was at the mercy of the British Navy, correct?

DEFENDANT—Yes.

PROSECUTING LAWYER—I would also like to ask the defendant: How did you know that person was Talaat Pasha? Had you seen him before or did you recognize him from the pictures he had seen?

DEFENDANT—No, before moving to Berlin I had never seen him in person. I recognized him only from pictures in the newspapers.

PROSECUTING LAWYER—I would also point out to the court that it seems quite strange to me that the defendant was able to find a place on across the street from where Talaat Pasha resided in such a short period of time.

PRESIDING JUDGE 1—If there are no other questions, let us start calling some of the witnesses.
BAILIFF — Call Nicholas Jessen. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

(Witness 1 takes the witness stand)

WITNESS 1 — Yes.

PRESIDING JUDGE 1 — Please take a seat and state your name and occupation

WITNESS 1 — Nicholas Jessen, merchant.

PRESIDING JUDGE — Were you an eyewitness to the events that transpired on March 15th?

WITNESS 1 — I was.

PRESIDING JUDGE 1 — Please describe what you saw.

WITNESS 1 — On Tuesday, March 15th, at 11:00 o’clock in the morning, I was walking along Hardenbergstrasse going toward Wittenberg Square to see various customers. I am a representative of a meat packing company. Ahead of me, a man wearing a gray coat was walking slowly. All of a sudden, the defendant passed me going at a brisk pace. He put his hand in his pocket. He took a revolver out of his pocket and fired at the victim’s head, at close range, from behind. The victim immediately fell forward, hitting the ground and cracking his skull. The defendant threw the revolver aside and tried to escape.

A woman was walking a little way ahead of the victim; she also fell unconscious. First I lifted the woman up, thinking she, too, was injured. Then I started running after the defendant and I apprehended him on Fazanenstrasse. Naturally a crowd gathered and the people started mercilessly hitting the defendant. One man, in particular, kept hitting the defendant’s head with a key. Others were shouting, “Catch the murderer!” I took the defendant to the police station.

PRESIDING JUDGE 1 — Do you recall if the Defendant said anything after the fact?

WITNESS 1 — He said, “I’m a foreigner and so is he. This is not of Germany’s concern!”

PRESIDING JUDGE 1 — The witness may step down, and the prosecution may proceed.

(Witness 1 steps down from the stand)

BAILIFF — Call Dr. Johannes Lepsius. (Witness 2 takes the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 2 — I do.

PRESIDING JUDGE 1 — Please be seated and state your name and occupation for the record.

WITNESS 2 — Dr. Johannes Lepsius, Professor and Author.
PRESIDING JUDGE 2—Thank you. From your research, please tell us, were barbaric acts committed during the Armenian massacres of 1915 to the extent that we have been told? And if so, who was responsible for these acts?

WITNESS 2—The plan for the deportation of the Armenians was decided upon by the Young Turk Committee. Talaat Pasha gave the orders. With the help of the Young Turk Committee, he carried out the plan. By April 1915, the deportation and general exile had already been decided. It affected the entire Armenian population – with a few exceptions – about 1,850,000 people. Approximately 1,400,000 Armenians were deported. In a document signed by Talaat Pasha we found the following statement: “The destination of the deportation is annihilation.”

Of all the Armenians who were deported from Eastern Anatolia southward, only ten percent reached their destination; ninety percent were killed, except for women and girls who were sold by the gendarmes into sexual slavery, or abducted by the Kurds, or they died of exhaustion and hunger. Of Armenians who were driven out of the Empire, hundreds of thousands were assembled in camps, systematically starved, and massacred. More and more Armenians kept coming, and as the camps ran out of room, the Armenians were taken into the desert and slaughtered.

PRESIDING JUDGE 3—What was the reasoning behind this order?

WITNESS 2—The official government explanation for the deportation was that these were precautionary measures. However, individuals in charge blatantly declared that their purpose was to annihilate the whole Armenian population.

PRESIDING JUDGE 1—In your expert opinion, was the testimony of the defendant an authentic portrayal of what occurred?

WITNESS 2—You have heard Mr. Tehlirian testify as to what he suffered and saw during the deportations. There are over one hundred published articles by Armenians who, like the defendant, were eyewitnesses to the massacres. There is no question as to their authenticity.

PRESIDING JUDGE 1—Were any of the perpetrators brought to justice?

WITNESS 2—On July 6, 1919, the Turkish Military Tribunal pronounced a guilty verdict. They sentenced to death the leading perpetrators of the genocide — Talaat, Enver, Jemal, and Nazim – but did so in absentia. These men had already fled the country.

My purpose in testifying today is to show you that the diplomatic tensions in the region led the Young Turks to become suspicious of the Armenians. It led them to conclude that the only solution was the complete annihilation of Armenians.

PRESIDING JUDGE 1—Thank you. Any questions from the defense?
DEFENSE LAWYER 2—It used to be said previously that the reason for the massacres was the fact that the Armenians were Christians whereas the Turks were Muslims, and the hatred between these two peoples was centuries old.

WITNESS 2—Yes. This is also true – there was a dream for a “Pan-Turkic” state that started with the Three Pashas.

DEFENSE LAWYER 3—If I understand you correctly, to establish a “Pan-Turkic” state, they meant the annihilation of all non-Turkish elements?

WITNESS 2—Yes.

PRESIDING JUDGE 1—The witness may step down, and the prosecution may proceed.

(Witness 2 steps down from the stand)

BAILIFF —Call General Otto Liman von Sanders. (Witness 3 takes the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 3—I do.

PRESIDING JUDGE 1—Please be seated and state your name and occupation for the record.

WITNESS 3—General Otto Liman von Sanders. I am a retired German general and commander, and I served during the war.

PRESIDING JUDGE 3—Thank you. Please tell us what you know about the events that took place concerning the defendant.

WITNESS 3—I do not have any information about the specific event that took place with the defendant. I have never met him before, but I can talk about the events that took place during the war.

I served as the adviser and military commander for the Ottoman Empire during the war. Mostly, I devised defense tactics for the Turks.

PRESIDING JUDGE 2—So did you take part in the deportation of the Armenians that occurred?

WITNESS 3—I followed the orders of my leadership. We did not know the plans that the Turks had for the Armenians, and we did not necessarily care. We were only following orders.

DEFENSE LAWYER 1—So, did you not realize that you were deporting and then exterminating an entire people group?

WITNESS 3—As I have already stated, I was following orders. That was my duty, and I completed it. When we were given orders, we did not ask questions. We were given commands, and we carried them out. Those of us dealing with the Armenians on the ground knew nothing more than the simple commands we were given.
PRESIDING JUDGE 1—Thank you, General von Sanders. The witness may step down, and the prosecution may proceed.

(Witness 3 steps down from the stand)

BAILIFF —Call Bishop Krikoris Balakian. (Witness 4 takes the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 4—I do.

PRESIDING JUDGE 3—Please be seated and state your name and occupation for the record.

WITNESS 4—Bishop Krikoris Balakian. I am a Vicar from the Armenian Apostolic Prelacy in Manchester, England.

PRESIDING JUDGE 3—Thank you, Bishop Balakian. Now, will you please tell us your relation to the event that took place with the defendant and the man that he killed.

WITNESS 4—I also have no information either pertaining to the incident itself or concerning the defendant. I have never met him.

I was in Berlin when the war broke out. In September 1914 I left to return to Constantinople. Some six to seven months later, on April 21, 1915, I was arrested and deported along with hundreds of other Armenian intellectuals. Out of our group, only 16 people escaped death.

We were informed that, for political reasons, the government wanted to get all the Armenians out of the region. We heard constant rumors that we were going to be executed, even though the official word used was “displacement.” In reality, displacement meant extermination.

We were hungry and thirsty, but they would not give us food or water. They never allowed us to sleep, either, but at that point, we were just grateful to be alive.

On our travels, we saw the skulls of hundreds of women and young girls. Shocked and confused, I asked the captain of the gendarmes who was with us whether it was true that only men were being killed. He told me, “If we only killed the men and not the women and children, then 50 years from now, we would have a couple million Armenians to deal with. So we have to kill them all.”

I asked the captain whether he had any regrets – whether he felt responsible to answer to God, to mankind, and to the rest of civilization. The captain said he felt no responsibility whatsoever and that he was only obeying orders given to him.

One day, I was able to leave and visit the former vice-governor of Aleppo, Syria. He showed me a telegram which read “Telegram us directly and immediately the exact figures of how many Armenians have been killed and how many are still alive.”
At first, I could not understand the meaning of the telegram, as I couldn’t imagine that a whole nation would be massacred. Nothing like this had ever happened before – in all of history! Then, with horror, I realized it must be true. He was planning to kill all of the Armenians.

JUROR ONE—Who do you mean by “he”? What signature was on the telegram?

WITNESS 4—The telegram was signed “Talaat Pasha - Minister of the Interior.” I saw it with my own eyes.

PRESIDING JUDGE 1—The witness may step down.

(Witness 4 steps down from the stand)

DEFENSE LAWYER 1—Your Excellency, I would like to present as exhibits five telegrams from the Vice-governor of Aleppo, Syria.

The telegrams prove that Talaat personally gave the orders to massacre all the Armenians, including women and children.

I personally feel it is important, essential, in fact, that the jurors accept the defendant’s belief that Talaat was the responsible party and the perpetrator of the Armenian Genocide. It should also be added that Talaat had the highest position in the Turkish government. He was responsible for all of the acts taken by the government.

PROSECUTING LAWYER—While we have given a good deal of space to discuss this subject, we are not here today for this purpose! It is not within the competence of this court to come to a decision regarding the guilt or innocence of Talaat Pasha and his involvement in the Armenian massacre. The essential point is that the defendant believed that Talaat was the responsible party. It establishes—clearly—his motive for killing Talaat.

PRESIDING JUDGE 2—I believe that takes care of this point.

PROSECUTING LAWYER—Ladies and gentlemen of the jury, we have presented eyewitness testimony, and the defendant’s own admission, for the fact that Talaat Pasha was shot in cold blood on the streets of Berlin on an early March morning. The defendant is clearly of sound mind; he has traveled to both Paris and Berlin to pursue studies, including technical engineering studies. He has led a structured life, paid his bills, traveled throughout Europe, and evidences that he is in clear possession of his mental faculties.

But he had murderous intent in perpetrating this heinous crime. He chose to move to an apartment directly across the street from Talaat Pasha so that he could monitor the victim very closely. On the morning in question, he admitted to seeing Talaat Pasha leave and the defendant exited his own apartment, armed with his weapon, with the sole intent of murdering Talaat. He fired only one shot, and that shot was deadly.
Witnesses gave clear testimony about seeing Soghomon Tehlirian deliberately, with murderous intent, cross the street and take careful aim to assassinate Talaat.

His motivation was revenge. In our civilized society, perpetrators of crimes are punished through the legal system, not through extra-judicial killings. We would have no structure to our society at all if people acted in utter disregard for our laws.

It is clear: Soghomon Tehlirian is guilty of the heinous crime of murder without a lawful reason. We ask for your concurrence in finding him guilty of this crime. Thank you.

DEFENSE LAWYER 1—Ladies and gentlemen of the jury:

Soghomon Tehlirian witnessed the most horrific of crimes: the brutal murders and rape of his family members. He is deeply traumatized by what he saw, as any of us would be. Imagine being an eye-witness to the rape of your own sister, or to the murder of your mother. He began having dreams, visions, and fits in which his mother came to him, urging him to take action to avenge the terror that had befallen not only his immediate family, but also the hundreds of thousands of other Armenians who perished. And at whose orders were these vicious acts perpetrated? By the orders of Talaat Pasha, whose telegrams we have seen in which Talaat clearly ordered the deportations and exterminations of the Armenian population, beginning with the intelligentsia – political, cultural, religious, and business leaders – and then extending these orders to the general population, even to the women and children.

He was no longer himself. He was possessed by the image of his mother urging him to take revenge, to act out the Biblical injunction of ‘an eye for an eye, a tooth for a tooth.’

He did not commit a murder. I ask that you find Soghomon Tehlirian innocent of the charge he faces today. Thank you.

PRESIDING JUDGE 1—Members of the jury, I thank you for your attention during this trial. Please attend carefully to the instructions I am about to give you. Soghomon Tehlirian is accused of the crime of murder. He has pleaded innocent.

According to our laws, a murderer is one who kills a human being out of murderous intent; to satisfy sexual desires; out of greed or otherwise base motives; insidiously or cruelly or with means dangerous to the public; or in order to commit or cover up another crime. The punishment for this crime is life imprisonment.

During deliberations, jurors must communicate about the case only with one another and only when all jurors are present in the jury room. You are not to communicate with any person outside the jury about this case.

Your verdict finding Soghomon Tehlirian either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror, as well as of the jury as a whole. When you have reached a verdict, the foreperson will record your verdict on an official form and give it to the bailiff. The bailiff will tell the judge you are ready and you will return to the jury box. You may leave for deliberation.
(The jury leaves to deliberate; when they are done, BAILIFF brings the jury back into the courtroom)

BAILIFF — [name of JURY FOREPERSON], has the jury reached a verdict?

JURY FOREPERSON — We the jury have unanimously agreed upon a verdict in this case.

BAILIFF (reads the verdict aloud)

PRESIDING JUDGE 1 - (imparting sentence - either life imprisonment or free)—This court is now adjourned.
## Jury’s Witness Evaluation Form

<table>
<thead>
<tr>
<th>Witness</th>
<th>Convincing?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Soghomon Tehlirian</strong>, accused of murder</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Bishop Grigoris Balakian</strong>, survivor of the Armenian Genocide</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Dr. Johannes Lepsius</strong>, documenter of the Armenian Genocide</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Gen. Otto Limon Von Sanders</strong>, WWI adviser to the Ottoman Empire</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Nicholas Jessen</strong>, eyewitness to the alleged murder</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>
Members of the press observe the process and outcome of the trial and report on the proceedings to the public. The press has two important tasks: capturing the attention of the public with compelling and accurate headlines, and helping the public focus on key issues by highlighting the most significant parts of the trial.

Take notes here. **Underline the key issues** of the trial and its outcome, and as you come up with them, **circle your ideas for eye-catching headlines**. Be prepared to share these in the Post-Trial Discussion.
Post-Trial Press-Interview with Soghomon Tehlirian

Press 1 – So, Mr. Tehlirian, the jury has found you (GUILTY/NOT GUILTY). How do you feel? What’s running through your head?

- If NOT GUILTY:
  TEHLIRIAN – I am so glad that the jury understands! [looks to jury] Thank you! Thank you for your understanding! This means such a great deal to me and to so many others.

- If GUILTY:
  TEHLIRIAN – I can’t believe this has happened. [looks to jury] How could you all decide this? Pasha was sentenced to death! I only carried out his sentence. He was meant to die anyway! He killed my family! He killed so many others! He was meant to die!

Press 2 – I must admit, I still don’t understand what happened entirely.

TEHLIRIAN – I thought I made it clear. I killed him to avenge the death of my family and so many others.

Press 3 – Yes, but there were so many Armenians that were affected by the massacre. There were so many other men whose mothers, sisters, brothers, and fathers died. . .

TEHLIRIAN – I did it for all of them. They did not deserve such cruel and horrendous deaths.

Press 1 – You’re right. No one should be subjected to such terror. But what confuses me is how it all worked out so...well? What an incredible turn of events.

Press 2 – Yes, exactly. Mr. Tehlirian, you were in Paris. And then, you went to Berlin. While in Berlin, you just happened to run into Pasha? What are the odds of that happening?

TEHLIRIAN – Well, like I mentioned during the trial, I heard him speaking in Turkish. There aren’t many Turks in Germany, and so it made it easy to pick him out of a crowd.

Press 3 - What are the odds of that happening, though? Germany is a BIG country. And how did you manage to find housing across the street from him? That just seems impossible! I just can’t believe it could have been such a...perfect coincidence. . .

TEHLIRIAN – That’s because it wasn’t.

Press 1 – What? What do you mean it wasn’t?

TEHLIRIAN – It wasn’t a coincidence. None of it was.

Press 2 – Mr. Tehlirian. . . are you saying. . . I’m not sure that I follow. . .

TEHLIRIAN – I think that you do understand what I’m saying. I suppose it’s time for the truth to come out. I killed Talaat Pasha as a part of Operation Nemesis.
Press 3 – Operation what?

TEHLIRIAN – Operation Nemesis has been a secret operation run by the Armenian Revolutionary Federation. After the war, and after the perpetrators of such massacres escaped their destiny, a number of us came together and decided that justice needed to prevail.

We have been working to kill all those who perpetrated the horrific plan to exterminate our families, our loved ones - our people! Enver, Jemal, Talaat - it was planned all along. I knew I needed to avenge the deaths of my family members, and Operation Nemesis was the perfect opportunity.

Our team worked to track those involved in the massacres, and I was tasked with killing Talaat - the ultimate perpetrator. When we finally tracked down Talaat in Berlin, I came to Germany and set out to find him. Once I had located him, I received help in getting an apartment right across the street from him – there was no way I could have done that on my own!

Then, I set out to complete my mission. To kill Talaat, and to stay and be arrested by the German police.

Press 1 – You meant to be arrested? What do you mean?

TEHLIRIAN – We Armenians live in a world where so many do not know about the terrible events that took place. You saw the faces of the jurors today! So few of them actually knew what happened during the war! We needed to reveal the truth. I meant to get arrested so that we could share the truth during my trial. We needed others in the world to know who was responsible for such atrocities.

Press 2 – And you were willing to risk the rest of your life to make it known?

TEHLIRIAN – If the honor of your family – of your people – were at stake, would you not do the same? Either way, the purpose of the operation was divine retribution, and as I was successful in killing Pasha, I believe we accomplished what we set out to do.

[Transition to questions for the rest of the participants.]
1. Discuss your reaction to the jury’s verdict

2. Other general reactions
   - Did you feel empathetic toward the defendant?
   - How did those of you playing the judges and the medial feel?

3. How did you respond to the interview with Tehlirian?

4. Denialist testimony
   - How did it make you feel to hear that testimony?
   - What are some of the consequences of having denialist testimony included in a trial transcript?

5. Was justice done?
   - What is justice?
     - Was there any moral accountability for Talaat’s crimes?
     - Was there any personal accountability for Tehlirian’s crime?
   - Where is justice?
     - Did it occur at the micro level (murder trial)?
     - Did it occur at the macro level (global scale)?
     - During the Holocaust, only 1% of the perpetrators were brought to justice. In Rwanda, thousands of perpetrators were released or never prosecuted.

6. What was Germany’s role in the Armenian genocide? Why is it relevant that this case was prosecuted in a German court?
The Holocaust

Nazi-occupied countries in 1943

1933-1945

11,000,000 Killed
Juana Bormann “The Woman with the Dogs,” was born on September 10, 1883, in Birkenfelde, East Prussia. She was deeply religious, but gave up work as a missionary at age 44 to join the SS. She initially started as a kitchen worker at Lichtenburg on March 1, 1938. Bormann was transferred to Ravensbrück when it opened in 1939. She eventually became an Aufseherin (overseer) before being transferred to Auschwitz-Birkenau on May 15, 1943. In 1944, she was transferred to Hindenburg, only to return to Ravensbrück again in January of 1945. In February 1945 Borman was recalled to Bergen-Belsen. She was arrested there when the camp was liberated.

Bormann was tried at the “Trial of Josef Kramer and Forty-Four Others” at 30 Lindenstrasse, Luneberg in September 1945. She, like all the other defendants, pled not guilty. During the trial, Bormann was accused of beating prisoners, commanding her dogs to attack prisoners, and aiding in selecting prisoners to be sent to the crematorium. She was alleged to be terrifying. Bormann testified in her own defense, denying being present for selections for gassing and denying that she ever set her dog on prisoners. She acknowledged that she had slapped prisoners, but denied ever beating them.

Herta Liess (Ehlert) was born on March 26, 1905, in Berlin. She became Hertha Ehlert after marrying and worked as a saleswoman. On November 15, 1939, she was called up for the SS and trained at Ravensbrück. She remained in Ravensbrück for three years and divorced during that time. In 1942 she was transferred to Lublin, allegedly as punishment for being too familiar with prisoners, giving them extra food, and failing to be severe enough. In 1944 she was transferred to Krakow. In November 1944, then to Auschwitz until being evacuated on January 18, 1945. In February 1945 she arrived at Bergen-Belsen.

Ehlert was tried at the “Trial of Josef Kramer and Forty-Four Others” at 30 Lindenstrasse, Luneberg in September 1945. Ehlert, like the other defendants, pled not guilty. During the trial she was accused of beating people for infractions like having bootlaces wrongly tied. She was accused of beating prisoners with her bare hands. Ehlert testified that she took steps to address the poor conditions in camps, particularly as to the lack of food. She also claimed that she gave several prisoners extra food. She acknowledged slapping some prisoners for severe behavior.
Elisabeth Mühlau (Volkenrath) was born on May 9, 1919, in Schönau, Silesia. She was employed as a hairdresser until 1939, when she was sent to work in a munitions factory. In 1941, she was trained at Ravensbrück under Dorothea Binz to become an Aufseherin (overseer). In March 1942 she was transferred to Auschwitz. In 1943, she married SS Rottenführer Heinz Volkenrath. In January she was evacuated from Auschwitz and sent to Bergen-Belsen in February 5, 1945.

She was arrested and tried at the “Trial of Josef Kramer and Forty-Four Others” at 30 Lindenstrasse, Luneberg in September 1945. Volkenrath pled not guilty to the charges. She was alleged to have personally chosen prisoners to be sent to the crematoria. She denied having murdered anyone and attributed many deaths to the lack of food and overcrowding of the camps. She admitted to boxing the ears of some prisoners upon orders from high-ranking SS officials.
# Holocaust Mock Trial Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Judge</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The Bailiff</strong></td>
<td></td>
</tr>
<tr>
<td>Three defense attorneys</td>
<td></td>
</tr>
<tr>
<td>Three prosecutors</td>
<td></td>
</tr>
<tr>
<td>Six witnesses</td>
<td></td>
</tr>
<tr>
<td>Three defendants</td>
<td></td>
</tr>
<tr>
<td>Seven detail-oriented jurors</td>
<td></td>
</tr>
</tbody>
</table>

The Judge presides over the trial.

The Bailiff initiates the proceedings, swears in witnesses, and provides instruction to the jury after the trial is submitted.

Three defense attorneys cross-examine witnesses and perform the direct exam of a defendant.

Three prosecutors handle direct exams of witnesses and each cross-examine one defendant.

Six witnesses each have 1-2 pages of testimony. All are women.

Three defendants have 2-5 pages of testimony (#3 has the most). All are women.

Seven detail-oriented jurors reach a verdict and recommend sentences. The jury must have an odd number of jurors because a verdict requires a majority vote.

The remaining participants will be members of the press.
BAILIFF—All rise. The Honorable Judge ___________ presiding. (fill in participant’s last name)

(Bailiff opens the door)

(Judge enters the room and takes a seat behind the bench)

JUDGE—Please be seated (motions to the rest of the courtroom to be seated). I call this court to order. Is the prosecution ready to proceed?

PROSECUTOR 1—Yes, Your Honor.

JUDGE—And the defense?

DEFENSE COUNSEL 1—Yes, Your Honor.

JUDGE—Will the defense please identify the defendants who are before this court today and have them stand?

DEFENSE COUNSEL 1—Juana Bormann

(Defendant 1 stands)

DEFENSE COUNSEL 1—Elisabeth Volkenrath

(Defendant 2 stands)

DEFENSE COUNSEL 1—And Herta Ehlert.

(Defendant 3 stands; all defendants remain standing)

JUDGE—Each of the defendants who stand trial today has been charged with the following counts:

Count One: At Bergen-Belsen, Germany, between October 1, 1942 and April 30, 1945, staff entrusted with the well-being of the prisoners were responsible for ill-treatment, physical suffering, and death of Russian and Allied nationals, both known and those whose names are unknown.

Count Two: At Auschwitz, Poland, between October 1, 1942 and April 30, 1945, staff entrusted with well-being of prisoners were responsible for ill-treatment, physical suffering and death of Polish nationals and other Allied nationals, both known and those whose names are unknown.

Do the defendants understand the charges against them?

DEFENDANTS 1, 2, AND 3 (in unison) —Yes.

JUDGE—And to both charges, each defendant has pled not guilty, is that correct?

DEFENDANTS 1, 2, AND 3 (in unison) —Yes
JUDGE—You may sit. The prosecution may present its case.

PROSECUTOR 1—The prosecution would like to call its first witness, Ms. Dora Szafran. (*pronounced Zaa-Fran*)

(Witness 1 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 1—Dora Szafran. (*pronounced Zaa-Fran*)

BAILIFF—Please raise your right hand.

(Witness 1 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 1—Yes.

PROSECUTOR 1—Ms. Szafran, can you please tell us a little bit about yourself and how you came to be at Auschwitz?

WITNESS 1—I am from Poland and I am 22 years old. I was arrested because I was a Jewess. I was placed on a transport to Auschwitz, where I arrived on June 25th, 1943. There were roughly 6,000 of us. We were tattooed and I was hit by one of the head guards and still have a mark on my arm. He struck me because I was a Jewess. People were sent to the gas chamber for being Jews and I, myself, went through several selections. The Commander of the Camp, Kramer, took part in the selections among other high-ranking SS officers. There were also women present helping the officers.

PROSECUTOR 1—Do you recognize any of the three defendants sitting in the courtroom here today?

WITNESS 1—Yes, Juana Bormann.

PROSECUTOR 1—What have you seen Defendant Bormann doing?

WITNESS 1—I know that in 1943, when I was assigned to a squad, we were in Block 15 at Auschwitz, we were coming back from work in fives and one of the women had a swollen leg and could not keep up with us, and Bormann set her dog on her.

PROSECUTOR 1—What type of dog was it?

WITNESS 1—I am not well-versed in dogs, but it was very large.

PROSECUTOR 1—When she set the dog on this woman what happened to the woman?

WITNESS 1—First she egged the dog on and it pulled at the woman's clothes; then she was not satisfied with that and made the dog go for her throat. I had to turn away then, and then Bormann proudly pointed out her work to an SS Sergeant.

PROSECUTOR 1—Did you see what injury the woman suffered from?
WITNESS 1—I saw a stretcher being brought along and I should think she was just about alive, but only just.

PROSECUTOR 1—Did Bormann take any part in the selections you have spoken of?

WITNESS 1—Yes, she was present many times, even with the dog.

PROSECUTOR 1—How were the selections made?

WITNESS 1—The selection was sometimes made in the shower room, where we were parted from our jailers by wire. Selection was made in such a manner that people with blemishes, weak and ill people were chosen.

PROSECUTOR 1—Were you clothed?

WITNESS 1—No, we had to be naked. Selections took place also in the autumn and winter, when we had to stand in single file and wait our turn to enter the hut.

PROSECUTOR 1—Did you ever see one of the crematoria yourself?

WITNESS 1—I saw one through the barbed wire. I lived in block 25 and it was just on the other side.

PROSECUTOR 1—Did you ever see any persons taken from the crematorium?

WITNESS 1—Not once; I saw it many times.

PROSECUTOR 1—Could you hear any sounds from the building?

WITNESS 1—I heard it quite often; from the hospital both by day and by night people were taken along to the crematorium.

PROSECUTOR 1—What could you hear?

WITNESS 1—Shouts and shrieks and anything one could hear from a person conscious of being about to be put to death.

PROSECUTOR 1—While you were at Auschwitz you have told us that you were beaten. Did you see any other people beaten there?

WITNESS 1—It was on my arrival when I was beaten; it was just on my arrival. We all stood about and we were all beaten.

PROSECUTOR 1—During the time that you remained at Auschwitz did you see any other persons beaten?

WITNESS 1—I saw it very often. At first when I was working in Squad 103 and we were carrying loads of coal, and if we could not manage it, we were beaten severely.

PROSECUTOR 1—Did the women guards participate in the beatings?
WITNESS 1—Yes, German SS women.

PROSECUTOR 1—That concludes my examination for this witness.

JUDGE—The witness may step down and the prosecution may call its next witness.

(Witness 1 steps down from the stand)

PROSECUTOR 2—The prosecution calls Edith Trieger. (last name pronounced Tree-gerr)

(Witness 2 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 2—Edith Trieger. (last name pronounced Tree-gerr)

BAILIFF—Please raise your right hand.

(Witness 2 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 2—Yes.

PROSECUTOR 2—Do you recognize any of the defendants in this courtroom today?

WITNESS 2—Yes. I recognize Elisabeth Volkenrath, whom I know by name.

PROSECUTOR 2—Can you please tell the jury where you have seen Defendant Volkenrath and what acts you have witnessed the defendant taking part in?

WITNESS 2—I have seen her at Auschwitz frequently beating women prisoners on all parts of the body with a rubber stick. At selection parades for the gas chamber I have seen Volkenrath make selections herself of persons who were to go. I, myself, was picked out by Volkenrath on a selection parade for the gas chamber but I managed to escape at an opportune moment. Others selected by Volkenrath were sent to Block 25 of Camp A for transfer to the gas chamber. Those who were selected and sent to this block were not seen again.

PROSECUTOR 2—Thank you Ms. Trieger. Nothing further from this witness.

JUDGE—The witness may step down and the prosecution may call its next witness.

(Witness 2 steps down)

PROSECUTOR 2—The prosecution calls Helene Koper. (first name pronounced Heh-LAY-neh)

(Witness 3 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 3—Helene Koper. (first name pronounced Heh-LAY-neh)
BAILIFF—Please raise your right hand.

(Witness 3 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 3—Yes.

PROSECUTOR 2—Do you recognize any of the defendants in this courtroom today?

WITNESS 3—Yes.

PROSECUTOR 2—Which of the defendants do you recognize?

WITNESS 3—Elisabeth Volkenrath.

PROSECUTOR 2—How do you recognize Defendant Volkenrath?

WITNESS 3—She was an SS woman at Auschwitz. I knew her by the name of Volkenrath.

PROSECUTOR 2—Can you tell the court what Volkenrath was responsible for at Auschwitz Camp?

WITNESS 3—She was responsible for selections for the gas chamber at Auschwitz Camp from Block 18 where I lived. I attended seven selection parades and she and another SS Officer made all the selections. Volkenrath was not merely acting as a guard - she personally picked out victims for the gas chamber. On one occasion out of a block containing 1,400 prisoners there were only about 300 left after the selections had been made. I left Auschwitz in November 1944 and next saw Volkenrath at Belsen in February 1945, when she said to me that Germany had lost the war and we should all be hanged.

PROSECUTOR 2—Thank you. Nothing further.

JUDGE—The witness may step down and the prosecution may call its next witness.

(Witness 3 steps down)

PROSECUTOR 2—The prosecution calls Miriam Weiss. (last name pronounced VICE)

(Witness 4 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 4—Miriam Weiss. (last name pronounced VICE)

BAILIFF—Please raise your right hand.

(Witness 4 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 4—Yes.

PROSECUTOR 2—Do you recognize any of these defendants (gestures toward defendants)?
WITNESS 4—Yes. I recognize Elisabeth Volkenrath and remember her as an SS woman at Belsen.

PROSECUTOR 2—What specifically do you recall about Defendant Volkenrath as an SS woman at Belsen?

WITNESS 4—On April 16th, 1945, the day after the British arrived, all the prisoners had been confined to their blocks, but I was allowed out to collect rations for my block. While I was out, I saw another prisoner who was in a very poor state of health and could hardly walk. Volkenrath approached this girl and asked her if she did not know that she was confined to her block. She then struck the girl very hard several times with her fist and the girl fell to the ground and did not move. Volkenrath then went away, leaving the girl lying on the ground.

PROSECUTOR 2—Thank you, Ms. Weiss. Nothing further from this witness.

JUDGE—The witness may step down and the prosecution may call its next witness.

(Witness 4 steps down)

PROSECUTOR 3—The prosecution calls Lidia Sunschein. (last name pronounced SUNSHINE)

(Witness 5 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 5—Lidia Sunschein. (last name pronounced SUNSHINE)

BAILIFF—Please raise your right hand.

(Witness 5 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 5—Yes.

PROSECUTOR 3—Do you recognize any of the defendants in this courtroom today?

WITNESS 5—Yes. I recognize all three.

PROSECUTOR 3—I understand you were sent to Auschwitz, is that correct?

WITNESS 5—Yes, I was sent to Auschwitz in March 1943 because I am a Polish Jewess. I was transferred to Belsen in January 1945.

PROSECUTOR 3—What work did you do at Belsen?

WITNESS 5—I was a cookhouse prisoner.

PROSECUTOR 3—How is it that you recognize Defendant Bormann?

WITNESS 5—Bormann, I remember at Auschwitz. She was always with her dog and people were terrorized when she came around.
PROSECUTOR 3—And Volkenrath?

WITNESS 5—Volkenrath was in the parcel department in Auschwitz. I used to go to her store to get bread and I have seen her beat people when she suspected them of having stolen something.

PROSECUTOR 3—Ehlert?

WITNESS 5—Ehlert was always at the gate at Belsen when Commanders were going to work. She beat the prisoners for things like having a scarf done improperly or bootlaces wrongly made up. She hit people mainly with her hands.

PROSECUTOR 3—Did she ever hit you?

WITNESS 5—Yes. I reported too softly how many people were present at a parade and she beat me with her hand several times. She was very cruel.

PROSECUTOR 3—Nothing further from this witness. Thank you, Ms. Sunschein.

JUDGE—The witness may step down at this time.

(Witness 5 steps down)

JUDGE—Anything further from the prosecution?

PROSECUTOR 3—That concludes the prosecution’s examination. The prosecution rests.

JUDGE—The defense may present its case at this time.

DEFENSE COUNSEL 1—The Defense calls the accused, Juana Bormann.

(Defendant 1 takes the witness stand)

BAILIFF—Please state your name for the record.

DEFENDANT 1—Juana Bormann.

BAILIFF—Please raise your right hand.

(Defendant 1 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DEFENDANT 1—Yes.

DEFENSE COUNSEL 1—Please provide the court with a brief background about yourself and your employment with the SS.

DEFENDANT 1—I am a German. I am single. I was born on September 10th, 1893. I joined the SS as a civilian employee on March 1st, 1938, because I could earn more money, and I worked in the kitchen at first. I arrived at Auschwitz from Ravensbrück on May 15th, 1943 and went to Birkenau. When I arrived, I
worked for three weeks on the squad which went outside the camp and then took up duties inside the camp at Birkenau until the end of December, 1943.

**DEFENSE COUNSEL** 1—It has been said that you took an active part in gas chamber selections. Is that true?

**DEFENDANT** 1—No, I never have been present at these selections. I had to be present at morning roll-call and night roll-call, but at nothing else.

**DEFENSE COUNSEL** 1—A number of witnesses have said that they remember seeing you with a dog. Did you have a dog?

**DEFENDANT** 1—Yes, I brought him with me.

**DEFENSE COUNSEL** 1—Did you make this dog attack the prisoners?

**DEFENDANT** 1—No.

**DEFENSE COUNSEL** 1—Witness Szafran said that you made your dog attack a woman, and that you boasted to a passing SS man of what you had done.

**DEFENDANT** 1—The prisoners alleged that, but it is not true. I never urged the dog to attack prisoners.

**DEFENSE COUNSEL** 1—Did you ever hit girls?

**DEFENDANT** 1—Yes, when they did not obey orders or do what they were told to do, then I hit their faces or boxed their ears, but never in such a way that I knocked their teeth out.

**DEFENSE COUNSEL** 1—Did you consider it necessary sometimes to box the ears of girls?

**DEFENDANT** 1—If they did not obey orders or if they repeatedly did things that were forbidden. It was very difficult to control them.

**DEFENSE COUNSEL** 1—Did you ever try to leave the SS?

**DEFENDANT** 1—Yes, but it was not permitted.

**DEFENSE COUNSEL** 1—No further questions.

**JUDGE**—Would one of the prosecuting attorneys like to cross-examine the Defendant?

**PROSECUTOR** 1—Yes. Thank you, Your Honor. Ms. Bormann, it has been said that you were very much worse than all the other SS guardswomen in your treatment of the prisoners. Do you agree?

**DEFENDANT** 1—I do not know; I only wanted to keep order.

**PROSECUTOR** 1—How is it that you never attended selections?

**DEFENDANT** 1—I did not have time to attend them, and I did not like the idea of attending them.

**PROSECUTOR** 1—Before you joined the SS, what was your employment and how much were you paid?
DEFENDANT 1—I worked at a lunatic asylum looking after the sick there. I was paid 15 to 20 marks a month.

PROSECUTOR 1—What were you paid by the SS when you joined?

DEFENDANT 1—150 to 190 marks per month.

PROSECUTOR 1—Where did you go first when you joined the SS?

DEFENDANT 1—To Lichtenburg, Saxony, where I worked in the kitchen. I stayed there from 1938 until May 1939, when the whole camp was evacuated to Ravensbrück. I stayed in Ravensbrück until 1943, where I worked one year in the kitchen, one year on outside squads, and then on the estate of SS General Pohl.

PROSECUTOR 1—When did you acquire your dog?

DEFENDANT 1—in June, 1942 I bought it when working on Pohl's estate.

PROSECUTOR 1—Were you supervising working parties on that estate?

DEFENDANT 1—Yes, there was a squad of 150 prisoners there.

PROSECUTOR 1—is that not where you first trained your dog to attack prisoners?

DEFENDANT 1—it was my private dog and I had no permission to train him for that purpose. I love dogs and that is the reason why I had him. He was very obedient.

PROSECUTOR 1—Then if he did attack a woman there would be no question of him doing it without orders?

DEFENDANT 1—he never did that.

PROSECUTOR 1—There has been testimony that on numerous occasions your dog has been alleged to have attacked women on your orders. Are all of these untrue?

DEFENDANT 1—it is not true.

PROSECUTOR 1—Herta Ehlert, your co-defendant, has previously submitted a statement in which she says the following: "From my own knowledge of Juana Bormann and from working with her, I believe that the stories about her brutality to prisoners are true, although I have not myself witnessed it. I have often seen the dog which she had and heard she used to let it loose on prisoners. Although I have not seen it, I can well believe it to be true." What do you say about that?

DEFENDANT 1—it is a lie.

PROSECUTOR 1—you also remember the witness Lidia Sunschein said that you beat people frequently. Is that right?

DEFENDANT 1—no, I did not.
PROSECUTOR 1—That is all.

JUDGE—The defendant may step down and return to her seat.

(Defendant 1 steps down)

JUDGE—Defense Counsel, your next witness?

DEFENSE COUNSEL 2—The defense calls the accused, Elisabeth Volkenrath, to the stand.

(Defendant 2 takes the stand)

BAILIFF—Please raise your right hand.

(Defendant raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DEFENDANT 2—Yes.

DEFENSE COUNSEL 2—Please state your name and rank.

DEFENDANT 2—Elisabeth Volkenrath, SS Sergeant.

DEFENSE COUNSEL 2—Can you tell the court a little bit about yourself, Ms. Volkenrath.

DEFENDANT 2—I am 26 years old. I am a married woman. My husband is in the SS and I have not heard from him for a long time.

DEFENSE COUNSEL 2—What did you do before you were called into the SS?

DEFENDANT 2—Before being called up into the SS, I was a hairdresser. In 1939 I was called up to work in a munitions factory and on October 1st, 1942, I was transferred to the SS. I never actually became a member of the SS; we merely wore the uniform and became supervisors at concentration camps.

DEFENSE COUNSEL 2—What happened after you were called up and transferred to the SS?

DEFENDANT 2—On joining the SS, I was sent to Ravensbrück, the women’s concentration camp, where I became an SS guard and was taught how to treat prisoners. We were told that we were not to talk to prisoners and our job was to take them to work and see that they didn’t escape. At Ravensbrück, I worked under an SS woman named Langefeld and under Commander Koegel. In March, 1942, I was transferred to Auschwitz, where I remained until January 18th, 1945. I then proceeded to Bergen-Belsen where I arrived on February 5th, 1945.

DEFENSE COUNSEL 2—What were your duties?

DEFENDANT 2—On arrival at Auschwitz, I was placed in charge of workers sewing clothes. I later was placed in charge of the parcels department where Red Cross parcels from families were received for the prisoners. I always made it my duty to see that the parcels were delivered and those prisoners who worked under me can say that this is true.
DEFENSE COUNSEL 2—What is your knowledge, if any, regarding the gas chamber?

DEFENDANT 2—I often heard about the gas chamber from prisoners, but I never actually saw it, although from the distance I have seen the crematorium. I have been present when selections were made from prisoners by the SS doctors of those unfit to work. These people were all sent to Block 25 and to my knowledge they were never seen again. SS Lieutenant-Colonel Müller always told us that these people were being sent away to recuperate. While I was at Auschwitz, Himmler visited the camp and he saw the conditions that existed there.

DEFENSE COUNSEL 2—Did you have any part in killing any of the prisoners?

DEFENDANT 2—No, I have never murdered anyone. The many deaths at Belsen were caused by lack of food and overcrowding. Prisoners were marched from other camps to Belsen with little or no food and they arrived in an exhausted condition. I mentioned this to Kramer on more than one occasion. I know things have been bad in these camps, but they were also bad for us and we could do nothing about it. We were punished the same as the prisoners. Our money would be stopped up to 5 marks by Kramer, and we would be confined to the Camp on orders from Berlin. We were kept almost the same as the prisoners ourselves. It is true that I have had to make prisoners hold their hands above their heads but it was always on orders from others; this happened in Auschwitz on instructions from Mandel and Drechsel.

DEFENSE COUNSEL 2—And who was responsible for these conditions, in your opinion?

DEFENDANT 2—It is my opinion that the man most responsible for the conditions at Auschwitz was Hoess, as he was in charge of all camps in this area. Himmler is, of course, responsible for all concentration camps.

DEFENSE COUNSEL 2—Nothing further.

JUDGE—Anything from the prosecution?

PROSECUTOR 2—Yes, just briefly, Your Honor. Did you ever see any written orders from these men?

DEFENDANT 2—No, I did not see any orders in writing relating to concentration camps.

PROSECUTOR 2—Who did you receive orders from?

DEFENDANT 2—On arrival at Belsen I did not work for the first six weeks at all owing to the fact that I was ill. I then took charge of all SS women and received my orders directly from Commander Kramer.

PROSECUTOR 2—Ma’am, you stated that you had no part in killing any of the prisoners. Did you inflict any harm of any kind?

DEFENDANT 2—I have always been very strict, but I have never murdered anyone. I have boxed the ears of girls if they did anything wrong, but anything I did was always on orders from Assistant Commander Mandel and Drechsel. It was on the orders of Commander Kramer that girls were brought to the office and made to make 'sport.' It was conducted by a group of senior prisoners in the camp. This was a
punishment for being in possession of things they should not have and consisted of running around the room, bending their knees, and generally doing physical exercises. I have always tried as far as possible not to forget that I was a woman and a human being. I was never present when this took place and it only happened once in Block 2.

PROSECUTOR 2—Nothing further concerning this witness.

JUDGE—The witness may step down and the defense may call its next witness.

DEFENSE COUNSEL 3—The defense would like to call Ms. Jutta Madlung as a witness. *(first name pronounced YUH-tah)*

*(Defense Witness 1 takes the witness stand)*

BAILIFF—Please state your name for the record.

DEFENSE WITNESS 1—Jutta Madlung. *(first name pronounced YUH-tah)*

BAILIFF—Please raise your right hand.

*(Defense Witness 1 raises right hand)*

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth so help you god?

DEFENSE WITNESS 1—Yes.

DEFENSE COUNSEL 3—Please state your nationality, date of birth, and tell us how you came to be at Ravensbrück Concentration Camp?

DEFENSE WITNESS 1—I am a German, born in Hamburg on December 8th, 1921, and I was in Ravensbrück Concentration Camp from September 1942 until August 1943, because of political jokes which I made, because I had a Jewish female friend, and because I had English gramophone records. I was part of a working squad at Ravensbrück.

DEFENSE COUNSEL 3—Who was in charge of that working squad?

DEFENSE WITNESS 1—Herta Ehler was in charge of our working squad. She was very good to us. She did not beat us or do us any harm, and she was very nice to the Russians as well. She gave me bread for my sister who was ill, and she gave me apples and other things to eat. I never saw her ill-treat anyone.

DEFENSE COUNSEL 3—Ms. Madlung, would you agree that it was something rather extraordinary to find an SS Guard who did not beat you?

DEFENSE WITNESS 1—Yes, it certainly was.

DEFENSE COUNSEL 3—Is it fair to say the prisoners were terribly ill-treated whilst they were there, and that this woman was an exception?

DEFENSE WITNESS 1—Yes, the only exception.
DEFENSE COUNSEL 3—Nothing further from this witness.

JUDGE—The witness may step down. The defense may proceed with its next witness.

DEFENSE COUNSEL 3—The defense calls the accused, Herta Ehlert.

JUDGE—Will the defendant please take the witness stand?

(Defendant 3 takes the witness stand)

BAILIFF—Please state your name for the record.

DEFENDANT 3—Herta Ehlert.

BAILIFF—Please raise your right hand.

(Defendant 3 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DEFENDANT 3—Yes.

DEFENSE COUNSEL 3—Ms. Ehlert, please tell us a little bit about yourself and your involvement in the SS.

DEFENDANT 3—I am a German, married, and I was born on March 26th, 1905, in Berlin. My civilian occupation was saleswoman, and I was called up for the SS in November of 1939 through the Labor Exchange. I did not know very much about the SS.

DEFENSE COUNSEL 3—Can you please describe where you were and what role you had after being called up for SS in 1939?

DEFENDANT 3—I was sent to Ravensbrück, where, to begin with, I had to see that civilian workers did not mix with the prisoners, and later on, I was detailed to working parties outside the camp. I remained at Ravensbrück for three years and was then transferred to Lublin. This was a punishment transfer because I was too familiar with the prisoners. I was not being severe enough and was giving them food, which was not allowed. In spring 1944, I went to Kraków, and in November 1944, to Auschwitz, where I worked in the gardening squad. I left on January 18th, 1945, and arrived in Belsen at the beginning of February.

DEFENSE COUNSEL 3—How did you find the conditions when you arrived at Belsen?

DEFENDANT 3—The conditions were the worst I ever saw in a camp. They became worse as time went on.

DEFENSE COUNSEL 3—Did you try to do anything yourself to help?

DEFENDANT 3—Yes. I went to the Commander several times. Once some of the senior prisoners in the block told me there was no fat in the food. I went to the kitchen and talked with the man in charge, and
he told me they had not received fat from the store. I went to the SS Corporal who was in charge of that store and he told me that all the train wagons were smashed by bombing and he could not do anything about it. At that moment I happened to meet Kramer. I told him about it and I said that the death rate was increasing and that the prisoners could not keep alive on this thin soup. He made the prisoners collect potatoes and mash them, and these mashed potatoes were mixed with the soup, and in that way the prisoners had the feeling that they had received something in their stomachs.

In March, I saw Dr. Horstmann. The weather had become a bit warmer and I was rather anxious about the open latrines, because I thought it might cause an epidemic, and he said he could not do anything about it because he had no means of disinfection and could only give me one sack with chalk for this purpose. The third time I returned to the camp I did not feel very well, because of the horrible smell, and on meeting Kramer I talked to him about it and he said, "Let them die; we cannot do anything about it; my hands are tied." I asked him to have fewer roll-calls and he said, "All right; see that there are two roll-calls a week." For the many thousands of prisoners I could do nothing, but I could do something for several of them, for quite a few.

DEFENSE COUNSEL 3—What was it that you did for them?

DEFENDANT 3—I gave food to several of them. I took a Ukrainian woman, who had a small child of about a few months, to the front of the camp and gave her some food and asked the Commander for food that the child needed, and he said that it was all right and she got that food. The prisoners who were working for me and who were always in my vicinity I helped very often.

DEFENSE COUNSEL 3—Do you believe that you did everything that you could?

DEFENDANT 3—I do not know whether I did everything I could, but I can say that I did as much as possible, for it was forbidden.

DEFENSE COUNSEL 3—It has been said that you were very cruel. Do you believe that to be true?

DEFENDANT 3—It depends on what one understands under the word "cruelty." I admit I slapped the faces of prisoners, but only if there was a very serious reason for it. I never slapped their faces with both of my hands, only with one.

DEFENSE COUNSEL 3—Lidia Sunschein said you used to stand at the gate and beat prisoners as they passed while you were checking them, is that accurate?

DEFENDANT 3—that is so, but the reason is because they put their blankets round their shoulders, which was not allowed, and they cut them and made all sorts of pieces of clothing and even shoes out of them. They used to take parcels out, which was not allowed.

JUDGE—Any cross-examination from the prosecution?

PROSECUTOR 3—Yes. Ms. Ehlert, when you were called up in November 1939, were you given any option as to what duties you should take up?
DEFFENDANT 3—No.

PROSECUTOR 3—And when you got to Ravensbrück and took charge of the prisoners, did you like it?

DEFFENDANT 3—I had neither the responsibility for, nor did I take charge of, prisoners at Ravensbrück.

PROSECUTOR 3—When you were in charge of outside working parties, did you like it then?

DEFFENDANT 3—I cannot say that I liked it.

PROSECUTOR 3—Did you dislike the way prisoners were treated?

DEFFENDANT 3—When I was put in charge of working parties outside the camp, I passed very dark and heavy hours thinking about it.

PROSECUTOR 3—The prisoners were very badly treated, were they not?

DEFFENDANT 3—They had everything they were entitled to in the way of food, beds, sanitation and washing facilities, but, on the other hand, they were treated very, very severely. I have been often blamed by the Commander because of my behavior and he once told me I should not forget that it was a concentration camp and not a home for recuperating.

PROSECUTOR 3—Was the food they were entitled to enough to keep a prisoner healthy with the amount of work he had to do?

DEFFENDANT 3—No.

PROSECUTOR 3—Is it not true that prisoners were quite regularly beaten?

DEFFENDANT 3—in Ravensbrück you could never beat a prisoner publicly. For the slightest offense you had to make a report and they were brought in front of the Commander, who asked whether they admitted the offense they were accused of, and if they were proved guilty they were put in detention, and if the offense was grave then they were put on bread and water.

PROSECUTOR 3—Were you sent to Lublin as a punishment because you were considerate and reasonable to the prisoners?

DEFFENDANT 3—I was too good towards them. And, I was caught doing several things which were not allowed; for example, I passed letters out of the camp, smuggled parcels in, sent messages to relatives.

PROSECUTOR 3—You often saw Bormann’s dog, is that true? And is it true that you heard she used to let it loose on prisoners?

DEFFENDANT 3—I have seen the dog, but I have not heard that.

PROSECUTOR 3—Is it not true that you regularly stood at the camp gate checking parties in and out, and you have agreed that you boxed people’s ears or slapped their faces.

DEFFENDANT 3—I admit that I slapped the faces of prisoners from time to time to keep order.
PROSECUTOR 3—you did quite a lot of searching the blocks for jewelry, did you not?

DEFENDANT 3—I have never done it during my whole stay at Belsen. I only once, on orders of Volkenrath, made a search of the kitchen blocks in the women’s compound because there they had such a great amount of meat, bread, sugar and butter, and all sorts of things, that we could hardly carry it away in wash-basins. Not only that, but they had such a great amount of clothing, which somehow they had smuggled into the camp, that we had several trucks full which we had to carry away.

PROSECUTOR 3—Did you beat the people responsible?

DEFENDANT 3—No.

PROSECUTOR 3—You have told us that you were very kind with prisoners in Ravensbrück and that is why you were sent to Lublin. You learned your lesson then, did you not?

DEFENDANT 3—You cannot learn your lesson if it is not in your nature.

PROSECUTOR 3—Is it true that the day before the British soldiers came into the camp, you were having your fortune told by Ida Friedman who was in possession of fortune-telling cards?

DEFENDANT 3—That is true.

PROSECUTOR 3—How many prisoners do you think died of hunger and thirst that day whilst you were having your fortune told? Hundreds?

DEFENDANT—I have no idea.

PROSECUTOR 3—And you, who did so much for all these prisoners and wanted to do so much, could think of nothing better to do than have your fortune told while they were dying. Is that right?

DEFENDANT 3—It only took ten minutes to do that.

PROSECUTOR 3—You claim Kramer was responsible for the conditions because, among other reasons, on one occasion when you complained of the increasing death rate to Kramer, he replied: 'Let them die, why should you care?'' Is that right?

DEFENDANT 3—Yes.

PROSECUTOR 3—And you that you took his advice?

DEFENDANT 3—What could one individual person like me do with so many thousands of prisoners?

PROSECUTOR 3—Nothing further.

JUDGE—I have a question for the defendant before you step down. Ms. Ehlert, when you were called up in 1939 to join the SS, what rank did you hold then?

DEFENDANT 3—SS Guard.

JUDGE—If you ever had been promoted in the SS, what would have been the next rank?
DEFENDANT 3—The title was always the same, SS Guard, but you received a bar or circle or something like that on your sleeve.

JUDGE—Did you always get the same pay while you were serving in the SS?

DEFENDANT 3—No, I got more.

JUDGE—How much pay were you receiving when you were sent as punishment to Lublin?

DEFENDANT 3—I think it was about 170 or 180 marks a month, with some extra pay for being in a foreign country.

JUDGE—Where did the punishment come in? How were you punished by being sent to Lublin if you got more money?

DEFENDANT 3—Because the camps in Poland were not quite as civilized as the camps in the German Reich.

JUDGE—Do you mean that the living conditions for the SS were better in Ravensbrück than in Lublin?

DEFENDANT 3—No. They were better in the East, in Lublin.

JUDGE—You performed the same sort of duties, you got the same pay and bonus, and the conditions were no worse for you. Why did you say it was a punishment?

DEFENDANT 3—It is a punishment because you do not feel at ease in such a camp.

JUDGE—You may step down.

(Defendant 3 steps down)

JUDGE—Anything further from the Defense?

DEFENSE COUNSEL 3—The Defense rests.

JUDGE—Very well. Jurors, it is your duty to consider the testimony you have heard here today and determine whether each defendant is guilty or not guilty of the crimes with which they have been charged. In doing so, you may consider only the evidence that has been presented to you in this courtroom. You may weigh the credibility of the testimony you heard from each witness in making your determination.

The jury will now be escorted to the deliberation room. The Bailiff will provide instruction. This court will reconvene once a verdict has been reached.

BAILIFF—All rise.

Bailiff escorts the jury to the deliberation room. Bailiff should instruct the jurors as follows:

- The foreperson will read the verdict form out loud.
- You may discuss the evidence as time permits.
• **Following the discussion, the foreperson should lead a vote.** You must vote on each charge for each defendant (six votes in total).
• **The verdict form shall reflect the decision of the majority and shall be filled out accordingly by the foreperson.**
• **If the jury determines (by majority vote) that any or all of the Defendants are guilty of any or all of the charges they face, then the jury must decide upon an appropriate sentence, based on the severity of the Defendant’s crimes.**

**JUDGE**—[JURY FOREPERSON], has the jury reached a verdict?

**JURY FOREPERSON**—We the jury have agreed upon a verdict in this case *(reads the verdict aloud)*

**JUDGE**—This court is now adjourned.
Holocaust Verdict Form

**Count 1: Bergen-Belsen.** At Bergen-Belsen, Germany, between October 1, 1942 and April 30, 1945, staff (including the Defendant, Elisabeth Volkenrath), who were entrusted with the well-being of the prisoners, were responsible for ill-treatment, physical suffering, and death of Russian and Allied nationals, both known and those whose names are unknown.

<table>
<thead>
<tr>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the charge listed in Count 1, we find the Defendant <strong>Juana Bormann</strong></td>
<td></td>
</tr>
<tr>
<td>On the charge listed in Count 1, we find the Defendant <strong>Elisabeth Volkenrath</strong></td>
<td></td>
</tr>
<tr>
<td>On the charge listed in Count 1, we find the Defendant <strong>Herta Ehlert</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Rationale:**

**Count 2: Auschwitz.** At Auschwitz, Poland, between October 1, 1942 and April 30, 1945, staff (including the Defendant, Elisabeth Volkenrath), who were entrusted with well-being of prisoners, were responsible for ill-treatment, physical suffering, and death of Polish nationals and other Allied nationals, both known and those whose names are unknown.

<table>
<thead>
<tr>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the charge listed in Count 2, we find the Defendant <strong>Juana Bormann</strong></td>
<td></td>
</tr>
<tr>
<td>On the charge listed in Count 2, we find the Defendant <strong>Elisabeth Volkenrath</strong></td>
<td></td>
</tr>
<tr>
<td>On the charge listed in Count 2, we find the Defendant <strong>Herta Ehlert</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Rationale:**
**Sentencing**

The jury shall propose an appropriate sentence, based on the severity of the crimes committed, for each Defendant who has been found *guilty* of one or both counts.

Upon finding Defendant ______________________ (write in Defendant’s name) guilty, we the jury, recommend the following sentence for the Defendant to the Judge *(write in appropriate sentence)*:

Upon finding Defendant ______________________ (write in Defendant’s name) guilty, we the jury, recommend the following sentence for the Defendant to the Judge *(write in appropriate sentence)*:

Upon finding Defendant ______________________ (write in Defendant’s name) guilty, we the jury, recommend the following sentence for the Defendant to the Judge:

www.worldwithoutgenocide.org
### Jury’s Witness Evaluation Form

<table>
<thead>
<tr>
<th>Witness</th>
<th>Convincing?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dora Szafran</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Edith Trieger</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Helene Koper</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Miriam Weiss</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Lidia Sunschein</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Jutta Madlung</strong>, Holocaust survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Juana Bormann</strong>, concentration camp worker</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Elisabeth Volkenrath</strong>, concentration camp worker</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Herta Ehlert</strong>, concentration camp worker</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>
Members of the press observe the process and outcome of the trial and report on the proceedings to
the public. The press has two important tasks: capturing the attention of the public with compelling and
accurate headlines, and helping the public focus on key issues by highlighting the most significant parts
of the trial.

Take notes here. Underline the key issues of the trial and its outcome, and as you come up with them,
circle your ideas for eye-catching headlines. Be prepared to share these in the Post-Trial Discussion.
1. Discuss your reaction to the jury’s verdict

2. Other general reactions
   - Did you feel empathetic toward the defendant?
   - How did those of you playing the judges and the medial feel?

3. Denialist testimony
   - How did it make you feel to hear that testimony?
   - What are some of the consequences of having denialist testimony included in a trial transcript?

4. Was justice done?
   - Where is justice?
     - Did it occur at the micro level (murder trial)?
     - Did it occur at the macro level (global scale)?
       - During the Holocaust, only 1% of the perpetrators were brought to justice. In Rwanda, thousands of perpetrators were released or never prosecuted.
Rwandan Genocide

1994
800,000-1,000,000 Killed
Deposition of Witness A

The deposition of Witness A, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How were you affected by the activities surrounding the Taba community in 1994?

WITNESS A— I watched while my husband was murdered and girls were raped by three Interahamwe. My six-year old daughter was raped after the Interahamwe killed her father.

PROSECUTOR—Do you know if similar attacks happened elsewhere?

WITNESS A— Yes, I heard that young women were also raped at the Community Center.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS A— No.

Witness: March 10, 1996

Shannon M. Clark

Shannon M. Hahn, Notary Public
The deposition of Witness B, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—What happened to you during the unrest in Rwanda in 1994?

WITNESS B— I was chased from my home with my child and sister. We saw our neighbors killed and we went to the Community Center for refuge.

PROSECUTOR—What was it like at the Community Center?

WITNESS B— It was terrible. We were beaten and berated for days. Interahamwe would beat us during the day and then the Police would come and do the same at night.

PROSECUTOR—Did you ever see the Defendant while you were at the Community Center?

WITNESS B— Yes, I saw him there. I was brought with nine other women to see him. We were sent as representatives for groups of people. We asked him for death to allow the terrible pain to end.

PROSECUTOR—What did the Defendant do when you asked him for death?

WITNESS B— He said that they were out of bullets and they wouldn’t want to waste any bullets on us anyway. We could leave if we wanted to.

PROSECUTOR—Did you leave?

WITNESS B— No.

PROSECUTOR—Why didn’t you leave?

WITNESS B— We knew death elsewhere was certain, so we decided to stay and put up with the beatings.

PROSECUTOR—What else happened while you were there?

WITNESS B— I saw the Interahamwe take women to the forests. They were raped there. I was raped myself, in front of other people. One man came at me with a knife and an axe. That man raped me twice.
PROSECUTOR—Was that the only time you were raped?

WITNESS B— No. I was raped again many times. One time I was taken with 15 other women to the Cultural Center. There I was raped twice by one man, once by another, and by the time the third man raped me I felt as though I would die. Another time I was taken to the Cultural Center with ten other women. I was raped twice that time.

PROSECUTOR—You said you were raped at the Community Center and the Cultural Center. Were police there?

WITNESS B— Yes, there were police all around. I thought that they would help us, that they would defend us, but they didn’t do anything.

PROSECUTOR—You said you saw the Defendant at the Community Center. Did you ever see him at the Cultural Center?

WITNESS B— Yes. I saw him at the Cultural Center once while I was being raped. The Defendant stood at the door and watched. He was speaking to the Interahamwe. He seemed to be encouraging them.

PROSECUTOR—Did you ever see the Defendant participate in raping any women?

WITNESS B— No, I did not see him rape anyone. I only saw him watch. He never tried to stop anyone .... He could have stopped them, but instead he encouraged them. It is so humiliating. Just talking about it brings it alive again.

PROSECUTOR—What happened to your sister and child?

WITNESS B— My sister died while we were at the Community Center. She was raped and cut with a machete. She died from the machete wounds. My child, I left him with a family of Hutus who said they could provide for him. I thought it would be better, but once I left they killed him.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS B— No.

Witness: March 10, 1996

Shannon M. Clark

Witness B

Shannon M. Hahn, Notary Public
Deposition of Witness C

The deposition of Witness C, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How were you affected by the unrest in Rwanda 1994?

WITNESS C— I sought refuge at the Community Center. There were armed Interahamwe there killing people and we tried to flee.

PROSECUTOR—What happened when you tried to flee?

WITNESS C— The Interahamwe stopped us and told the Mayor that they were taking us away to sleep with us.

PROSECUTOR—What did the Mayor do?

WITNESS C— Nothing. He told them to take us.

PROSECUTOR—What happened when they took you?

WITNESS C— They took us away and one pushed me down. He warned me that if I cried or shouted, someone might kill me. He raped me.

PROSECUTOR—How old were you when you were raped?

WITNESS C— I was 15 years old.

PROSECUTOR—What happened after the rape?

WITNESS C— The man who raped me took me away to stay with someone he knew. I was there for 3 days before he returned. Once he returned he was with two men. The three of them raped me repeatedly over three days.

PROSECUTOR—What happened after this rape?

www.worldwithoutgenocide.org
WITNESS C — They let me free and chased me away.

PROSECUTOR — Is there anything else you know that you think is relevant to this case?

WITNESS C — No.

Witness: March 10, 1996

Shannon M. Clark

Witness C

Shannon M. Hahn, Notary Public
Deposition of Witness D

The deposition of Witness D, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How were you affected by the activities surrounding the Taba community in 1994?

WITNESS D— I was had to seek refuge at the Community Center because my husband was a Tutsi and therefore my home had been destroyed.

PROSECUTOR—What happened when you arrived at the Community Center?

WITNESS D—I saw Tutsi refugees be beaten often by the police, and Jean-Paul Akayesu who was also supervising. I saw Jean-Paul Akayesu standing nearby when a teacher and his wife were brought and made to sit in the mud. The man was killed and the police took off the wife’s clothing and told her to go die elsewhere. The same day Jean-Paul Akayesu ordered the Interahamwe to bring teachers from another area to come and sit in the mud. The Interahamwe began clubbing people. The Mayor watched and supervised the police who were beating refugees.

PROSECUTOR—Did anything else happen while you were at the Community Center?

WITNESS D—Yes, my husband was also beaten and injured. He escaped, but he was captured and I received a message from him asking to speak with me. I saw him near the Community Center being taken away by Interahamwes. After that I went to Jean-Paul Akayesu and begged him to keep my children alive. He told me that it was not he who had made my children be born Tutsi. Only two of my nine children survived the events of this period.

PROSECUTOR—Did you see anyone else being abused?

WITNESS D—Yes, I saw girls and women taken away by Interahamwe who said they would sleep with them. I watched Jean-Paul Akayesu tell the Interahamwe to undress a young girl named Chantal. He knew Chantal was a gymnast and he wanted her to do gymnastics naked. Although she said she was a Hutu, Jean-Paul Akayesu said that he knew she was a Tutsi because her father was a Tutsi.
PROSECUTOR—What else happened?

WITNESS D—She was forced to march around naked in front of a lot of people. After that Jean-Paul Akayesu told the Interahamwe to take her away and that “you should first of all make sure that you sleep with this girl.”

PROSECUTOR—Did you ever see Jean-Paul Akayesu rape anyone?

WITNESS D—No, I never saw him rape.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS D—Yes, I also saw a woman who was a Tutsi who was married to a Hutu. She was beaten, but not dead. I saw the Interahamwe forcing a piece of wood into her sexual organs while she was still breathing. In most cases the Tutsi women who married Hutus were left alone because those women “deliver Hutu children.”

Witness: March 10, 1996

Shannon M. Clark ___________________________ Witness D

Shannon M. Hahn, Notary Public
Deposition of Witness E

The deposition of Witness E, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How were you affected by the activities surrounding the Taba community in 1994?

WITNESS E—My sister and I were raped on many occasions. We went to the Community Center for refuge. I saw others raped as well.

PROSECUTOR—Can you tell me more about what happened to you?

WITNESS E—Yes. Twice I was raped on my way to the Center. Once, at the Center I was taken away by the Interahamwe while the Mayor watched and did nothing. He walked into his office, but two police watched as I was raped. They never did anything about it.

PROSECUTOR—Do you specifically remember any other times when you were raped?

WITNESS E—Yes, I was taken by a man once to his home. I knew him, but I had not taken up on his advances. He raped me six times and then brought me back to the Center.

PROSECUTOR—What happened when you returned?

WITNESS E—I saw my sister at the compound. She had also been raped on our way to the Center. She had also been raped while I was gone. She was hungry, cold, and couldn’t move. She died shortly after.

PROSECUTOR—What happened next?

WITNESS E—I was taken away again by the same man who took me before. He locked me up for one week. During that week men came every day. Some raped me, but some didn’t. After that I ran away and hid. I had a lot of recurring pain in my vagina and had to get medical treatment.
PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS E—No, I think I have told you everything.

Witness: March 10, 1996

Shannon M. Clark

Witness E

Shannon M. Hahn, Notary Public
Deposition of Witness F

The deposition of Witness F, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How were you affected by the activities surrounding the Taba community in 1994?

WITNESS F—I saw many women raped and killed while I was staying at the Community Center.

PROSECUTOR—What happened with the women who were killed?

WITNESS F—They were taken past our Mayor. Our Mayor told them to take them to where the killings happen. He said, “Don’t you know where killings take place? Where the others have been killed?” I saw them forced to undress and run around in front of almost 200 people. They were forced to run and perform exercises. They were forced to the ground and raped in front of everyone. Many people raped them. They were placed on their stomachs and killed with sticks.

PROSECUTOR—Where you ever raped or beaten?

WITNESS F—No, I only saw others being tortured.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS F—No.

Witness: March 10, 1996

Shannon M. Hahn, Notary Public
The deposition of Witness 1, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

**PROSECUTOR**—How do you know the Defendant in this case, Jean-Paul Akayesu?

**WITNESS 1**—He was the mayor.

**PROSECUTOR**—What was his role as mayor?

**WITNESS 1**—He is considered the parent of the population.

**PROSECUTOR**—Do people listen to what he has to say?

**WITNESS 1**—Absolutely. His every order would be respected. People normally follow orders of the administrative authority.

**PROSECUTOR**—Would they follow orders even if the orders were illegal or wrongful?

**WITNESS 1**—The people could not disobey the orders of the Mayor. They will follow, even if his orders were wrongful.

**PROSECUTOR**—Did Jean-Paul Akayesu have much administrative authority?

**WITNESS 1**—Yes, his authority was prescribed by law. It says how much or how little he may do.

**PROSECUTOR**—Did Jean-Paul Akayesu follow the laws as to his authority?

**WITNESS 1**—There are limits to the authority; the Regional Chief Officer can limit his power. The Mayors usually follow the rules, but sometimes in periods of unrest people might exceed the rules.

**PROSECUTOR**—Did Jean-Paul Akayesu have authority over the Community Police?

**WITNESS 1**—Yes, he had authority to hire and fire the police. They looked to him. He could also discipline them. With public disturbances the Mayor can take full control over the police.

**Witness:** March 10, 1996

Shannon M. Clark

Witness 1
Deposition of Witness 2

The deposition of Witness 2, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How do you know the Defendant in this case, Jean-Paul Akayesu?

WITNESS 2—He was the Mayor of the Taba Community.

PROSECUTOR—Did you see him during 1994?

WITNESS 2—Yes. I saw him once when I went to the Community Center.

PROSECUTOR—What did you do in the Community Center?

WITNESS 2—Well…. I hid. I saw massacres so I hid to be safe.

PROSECUTOR—What do you know about the massacres?

WITNESS 2—I just saw a few people being killed.

PROSECUTOR—Did you see anyone being raped?

WITNESS 2—No. I heard some people were raped, but I never saw anyone being hurt in a sexual way.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS 2—No.

Witness: March 10, 1996

Shannon M. Clark

Shannon M. Hahn, Notary Public
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CHAMBER 1
File No.: ICTR-96-4-T
THE PROSECUTOR v Jean-Paul Akayesu

Deposition of Witness 3

The deposition of Witness 3, a witness in the above-entitled cause, taken before the Prosecutors in this matter, and Notary Public, on March 10, 1996.

PROSECUTOR—How do you know the Defendant in this case, Jean-Paul Akayesu?

WITNESS 3—He was the Mayor, I worked for him as a Police Officer in the Community.

PROSECUTOR—When did you work as a Police Officer?

WITNESS 3—I worked from 1990 until 1995.

PROSECUTOR—Did you work near the Community Center?

WITNESS 3—Yes, I worked very close and at the Community Center.

PROSECUTOR—Did you see anyone beaten or sexually assaulted?

WITNESS 3—Absolutely not, I can’t believe these accusations. I did not see anyone being raped or beaten. There were no sexual violence crimes and no accusations of such behavior.

PROSECUTOR—Is there anything else you know that you think is relevant to this case?

WITNESS 3—No.

Witness: March 10, 1996

Shannon M. Clark
Witness 3

Shannon M. Hahn, Notary Public
### Rwanda Mock Trial Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three <strong>Judges</strong> preside over the trial.</td>
<td></td>
</tr>
<tr>
<td>The <strong>Court Clerk</strong> initiates the proceedings, swears in witnesses, and provides instruction to the jury after the trial is submitted.</td>
<td></td>
</tr>
<tr>
<td><strong>Two defense attorneys</strong> cross-examine witnesses and perform the direct exam of a defendant.</td>
<td></td>
</tr>
<tr>
<td><strong>Two prosecutors</strong> handle direct exams of witnesses and cross-examine the defendant.</td>
<td></td>
</tr>
<tr>
<td><strong>One witness</strong> testifies about what she saw in Rwanda.</td>
<td></td>
</tr>
<tr>
<td>For larger groups, give the responsibility of the verdict to an odd number of <strong>detail-oriented jurors</strong>. The jury must be an odd number because they need to reach a verdict by majority vote.</td>
<td></td>
</tr>
</tbody>
</table>

The remaining participants will be members of the press.
COURT CLERK—Order in the court. All rise. (All rise and Judges enter and sit, making a slight bow as they sit) The International Criminal Tribunal for Rwanda is now in session, the Honorable Judges Kama, Aspegren, and Pillay presiding.

JUDGE 1—Please be seated. (All sit) Counsels, please introduce yourselves.

(Both Prosecutors introduce themselves)

(Both Defense Counsels introduce themselves)

COURT CLERK—The Defendant shall rise for the reading of the Indictment. (Defendant stands) Today we are dealing specifically with Counts 13-15, but all charges will be read. Jean-Paul Akayesu is charged with:

Count 1: Genocide;
Count 2: Complicity in genocide;
Count 3: Crimes against humanity: Extermination;
Count 4: Direct and public incitement to commit genocide; and
Count 5: Crimes against humanity: Murder;
Count 6: Violations of Common Article 3 of the Geneva Conventions: Murder;
Count 7: Crimes against humanity: Murder;
Count 8: Violations of Common Article 3 of the Geneva Conventions: Murder;
Count 9: Crimes against humanity: Murder;
Count 10: Violations of Common Article 3 of the Geneva Conventions: Murder;
Count 11: Crimes against humanity: Torture;
Count 12: Violations of Common Article 3 of the Geneva Conventions: Cruel Treatment;

The charges we will focus on at this phase of the trial are Count 13-15.

In addition and/or in the alternative to his individual responsibility under Article 6(1) of the Statute of the Tribunal, the accused is individually responsible under Article 6(3) of the Statute of the Tribunal for the crimes alleged in Counts 13-15. Under Article 6(3), Jean-Paul Akayesu is criminally responsible as a superior for acts of individuals under his control if he knew or had reason to know that those under his control were about to commit such acts or had done so, and Jean-Paul Akayesu failed to take necessary and reasonable measures to prevent such acts or punish those under his control.

Count 13: Crimes against humanity: Murder;
Count 14: Crimes against humanity: Other inhumane acts;

Jean-Paul Akayesu, to these charges, how do you plead?

DEFENDANT—Not guilty.

COURT CLERK—You may be seated. (Defendant sits)

PROSECUTOR 1—Your Honors, before we proceed, we do have an Evidentiary Binder both Counsels have agreed upon that we would like to submit to The Chamber. It contains evidence in the forms of depositions of witnesses who are unable to testify here today due to safety and confidentiality concerns. The depositions were taken with both prosecution and defense counsels present to make objections at that time. We ask that The Chambers accept the Evidentiary Binder into evidence and permit the parties to summarize the testimony in our presentation of exhibits.

JUDGE 2—Thank you Counsel, is this Defense Counsel’s understanding as well?

DEFENSE COUNSEL 1—Yes, Your Honors, that is our understanding.

JUDGE 2—Prosecution Counsel, you may approach to present the Evidentiary Binder. The Chamber accepts the Evidentiary Binder. Counsel may reference this evidence in their arguments.

JUDGE 3—Prosecution, please give your opening statements.

PROSECUTOR 1—During this trial we will show that the Defendant had exclusive control over the communal police. In his position of authority, the Defendant was responsible for execution of laws, regulations, and administering justice. This made him the most powerful figure in the commune. He had cultural and actual authority, as well as legal authority over the community. He had the power to hire and fire community police and had authority over their actions. Witnesses have testified that women were regularly taken by armed local militia or community police and were subjected to sexual and physical violence in or near the community. Many women were forced to endure multiple acts of sexual violence, sometimes involving multiple assailants. We will demonstrate that the Defendant is guilty of crimes against humanity, particularly rape and torture, as well as cruel treatment beyond a reasonable doubt.

JUDGE 1—Defense, please give your opening statement.

DEFENSE COUNSEL 1—As Mayor of the Community in Taba, Jean-Paul Akayesu worked hard for his community. Jean-Paul Akayesu does not deny that a genocide occurred in Rwanda. The fact that there was a genocide should not require him to have given his life in a pointless attempt to stop it. He will testify that there were no sexual crimes that occurred in his community and that he is being used as a scapegoat, a body that can be punished for the enormous crimes committed in Rwanda. He will testify that he never ordered anyone to sexually harm women in the community.
JUDGE 2—The prosecution may proceed with their Case-in-Chief.

PROSECUTOR 1—May it please the Court, we wish to summarize the relevant sworn testimony in the Evidentiary Binder.

Witness A testified that her husband was killed and her daughter raped by Interahamwe; she also heard that women were raped at the Community Center.

Witness B testified that she, her child, and her sister were beaten at the Community Center by Interahamwe militia and the police, and that she was raped repeatedly by the Interahamwes while the police watched. She testified that the Defendant was there watching on one occasion.

Witness C testified that the Defendant had told the Interahamwe to take her away and rape her, which they did repeatedly over three days.

Witness D testified that the Defendant supervised beatings and killings by Interahamwe militia and police. He personally recommended that the Interahamwe should rape a young gymnast named Chantal.

Witness E testified that she was raped while the Mayor and the police watched.

Witness F testified that she saw many women raped and killed at the Community Center while she was staying there. She indicated that the Mayor directed the police to take them to where others had been killed.

PROSECUTOR 2—The Prosecution now calls Alison Desforges to the stand.

(Witness takes the witness stand)

COURT CLERK—Please state your name for the record.

WITNESS—Alison Desforges.

COURT CLERK—Please raise your right hand. (Witness raises right hand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

WITNESS—I do.

PROSECUTOR 2—Please tell the Court about your background.


PROSECUTOR 2—Have you been to Rwanda?

WITNESS—I was in Rwanda in 1994. I observed first-hand the genocide that occurred in the country.

PROSECUTOR 2—Please tell the Court about what you observed.
WITNESS—I heard statements of political leaders, songs, and slogans of the Interahamwe that were anti-Tutsi. One of the Interahamwe slogans was to make it so that “their children, later on, would not know what a Tutsi looked unless they referred to history books.”

PROSECUTOR 2—How were Tutsis targeted by these statements?

WITNESS—The propaganda demonstrated an obvious targeting of the group. They weren’t simply targeting families involved in fighting, but they also targeted families that were not. They targeted women and babies. Propaganda often talked about returning the Tutsis to their place of origin. As a result, many murdered Tutsis were thrown into the Nyabarongo River to “send them back home.”

PROSECUTOR 2—What was happening during this propaganda?

WITNESS—Often newborn children and pregnant Tutsi women were killed. Women who were pregnant from Tutsi fathers were also killed. The killings were meticulously organized. There were roadblocks in towns where Tutsis and Hutus were separated. The victims often had their Achilles tendons cut. This was to prevent the Tutsis from fleeing, so they could not be spared.

PROSECUTOR 2—Thank you, no further questions.

DEFENSE COUNSEL 1—Ms. Desforges, please tell the Court about your interactions with Jean-Paul Akayesu.

WITNESS—I don’t know him.

DEFENSE COUNSEL 1—Have you met Jean-Paul Akayesu before?

WITNESS—No.

DEFENSE COUNSEL 1—Have you seen him firsthand, discriminating against Tutsis?

WITNESS—No, I have not.

DEFENSE COUNSEL 1—Have you heard him firsthand, expressing discriminating beliefs against Tutsis?

WITNESS—No, I haven’t.

DEFENSE COUNSEL 1—I have no further questions.

JUDGE 3—Thank you for your testimony. You may step down.

(Witness leaves the stand)

DEFENSE COUNSEL 1—May it please the Court, we wish to summarize the relevant sworn testimony in the Evidentiary Binder.

Witness 1 testified that the Defendant, in his role as Mayor, was considered the parent of the population, but that his authority could be limited by the Regional Chief Officer.
Witness 2 testified that the Defendant was at the Community Center when people were being killed elsewhere, but nobody was hurt in a sexual way.

Witness 3 testified that he never saw anyone raped during his time as a police officer at the Community Center working for the Defendant, and never saw anyone beaten.

DEFENSE COUNSEL 2—The Defense now calls Jean-Paul Akayesu to the stand.

(Defendant takes the witness stand)

COURT CLERK—Please state your name for the record.

DEFENDANT—Jean-Paul Akayesu.

COURT CLERK—Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

DEFENDANT—I do.

DEFENSE COUNSEL 2—Please tell the Court about your background, before you held office.

DEFENDANT—I was born in 1953 in the Mureche sector of the Taba Community. I grew up there and married a woman from there. My wife and I are still married and have five children. I became a teacher and was a known and popular figure in the community. I became politically active in 1991.

DEFENSE COUNSEL 2—What happened after you became politically active?

DEFENDANT—I was elected mayor in 1993. I served in that capacity of the Taba Community from April 1993 - June 1994. I was in charge of the life of the community in terms of economy, infrastructure, markets, medical care, and overall life.

DEFENSE COUNSEL 2—Please describe for the court the role of the mayor.

DEFENDANT—I was a representative of the president within the community. I had authority to hire and fire the community police. I could remove blame from the police. During public disturbances I could take more control over them.

DEFENSE COUNSEL 2—How did the community respond to your election?

DEFENDANT—People often sought me out for advice. I was the leader and commonly treated with great respect and deference.

DEFENSE COUNSEL 2—What was the extent of your authority over the police?

DEFENDANT—As mayor, I had legal authority over the police. I hold my police to the highest standard.

DEFENSE COUNSEL 2—Did you use your authority to order the police to rape or kill people?

DEFENDANT—Absolutely not. Never.
DEFENSE COUNSEL 2—What was the extent of your authority over the Interahamwe militia?

DEFENDANT—I had no authority of any kind over the Interahamwe militia groups. They followed their own orders.

DEFENSE COUNSEL 2—Describe your interactions with Tutsis in your community.

DEFENDANT—There was nothing different about how I treated Tutsis. I’m being used as a scapegoat because I am a Hutu, and I happened to be Mayor during the genocide. The only reason these specific charges were brought was as a result of public opinion and pressure human rights organizations.

DEFENSE COUNSEL 2—No further questions.

PROSECUTOR 2—Mr. Akayesu, did you see anyone mistreating women?

DEFENDANT—No, never.

PROSECUTOR 2—Did you go to the Community Center every day?

DEFENDANT—Not every day. Often, but not every day.

PROSECUTOR 2—Did you hear about anyone raping women?

DEFENDANT—No. No rapes occurred while I was there and I guarantee none occurred while I was gone. Anyone saying that a single woman was raped is lying. I never saw or heard anything so terrible.

PROSECUTOR 2—We have the sworn testimony of six witnesses saying you directed people to be killed, that you watched and did nothing while people were raped and killed, that you encouraged the Interahamwe and told them to rape a girl named Chantal. You are saying the sworn testimony in the depositions are false?

DEFENDANT—These accusations are all lies. The people coming forward making these accusations are just trying to use me as a scapegoat and obtain my lands. I don’t know anyone named Chantal. This story is a ridiculously invented accusation. I definitely wouldn’t do such a terrible thing.

PROSECUTOR 2—No further questions.

JUDGE 2—Thank you, Jean-Paul Akayesu, for your testimony. (Defendant leaves the stand) Prosecution Counsel may now give your closing statement.

PROSECUTOR 2—Defense Counsel and the Defendant have made comments that the witnesses lied. The witnesses underwent a traumatic ordeal and came to testify about what they saw. There is also a time lapse between initial reports and the depositions. This does not mean that a witness is lying, only that the witness or victim may have forgotten some items. It is clear, based on the accumulation of similar testimony, that the witnesses are telling the truth. There are no ulterior motives to the witness testimony – they have nothing to gain.
The deposition testimony also relied on translations done by linguistic experts; this may result in slightly different word choice and the like.

During the Defendant’s time as Mayor he was responsible for aiding and abetting the rape, torture, and cruel treatment of Tutsis in the Community of Taba. He had control over the local police who not only committed these atrocities but also did nothing to stop them. He even cheered them on as these crimes were being committed.

While he ruled as Mayor, an unknown number of women, Tutsi women in particular, were beaten, raped and brutalized in the most unfathomable manner. The Defendant could have done something, anything, to stand up for these women. Instead, he allowed these heinous crimes to go on.

Beyond a reasonable doubt, the Defendant committed Crimes Against Humanity, rape, and torture. Beyond a reasonable doubt, the Defendant committed cruel treatment. We ask that the Chamber find him guilty of these crimes.

JUDGE 3—Thank you, Counsel. Defense Counsel may now give your closing statement.

DEFENSE COUNSEL 2—Jean-Paul Akayesu shouldn’t have been required to give his life to prevent the genocide. If General Dallaire of the United Nations peacekeeping force couldn’t stop the atrocities in Rwanda, how could one man without an army have stopped it? These charges arose in response to public opinion, the desire to charge somebody, anybody with the crimes committed during that terrible time, and they are not supported by the evidence.

The witnesses are perjurers who are a part of a syndicate of informers who are trying to use the courts to obtain Jean-Paul Akayesu’s land. Their depositions are inconsistent with statements made publicly prior to this trial—what changed?

There are witnesses who stated for the record that they spent time in the Community Center and never saw any sexual assaults or rapes taking place. Jean-Paul Akayesu did not have a hand in any sexual assaults because no sexual assaults occurred. The “victim” witnesses are clearly lying. Because Jean-Paul Akayesu did not commit any such crimes, I ask the Chambers to find Jean-Paul Akayesu not guilty.

JUDGE 2—The Chamber will now take a recess to discuss the verdict in this case. We will decide whether the accused is guilty or not guilty. Our law says that every accused person is presumed innocent until proven guilty. It is our job to decide whether the Prosecution counsels have proven the guilt of the accused beyond a reasonable doubt. If they have not, then we must acquit him. This is a very important ruling, so the recess may take some time. The court will take a recess while we reach our verdict.

(Judges adjourn to deliberate—five minutes should be sufficient—and return after they have decided)

COURT CLERK (when the Judges re-enter the room)—All rise.

(All stand)
(Judges sit down, and everyone sits)

**JUDGE 3**— Jean-Paul Akayesu, please stand.

*(Defendant stands)*

*(Judge 3 reads verdict to the Defendant)*

**COURT CLERK**—Order in the Court. *(Judges leave)*
Rwandan Genocide Verdict Form

Under Article 6(3), Jean-Paul Akayesu is criminally responsible as a superior for acts of individuals under his control if he knew or had reason to know that those under his control were about to commit such acts or had done so, and Jean-Paul Akayesu failed to take necessary and reasonable measures to prevent such acts or punish those under his control.

Count 13. Crimes Against Humanity (Rape). Rape as a crime against humanity is a physical invasion of a sexual nature committed on a person where circumstances are coercive.
It requires:
- Part of widespread or systematic attack;
- On a civilian population; and
- On certain catalogued discriminatory grounds, namely national, ethnic, political, or racial grounds.

Guilty  Not Guilty

On the charge listed in Count 1, we find the Defendant Jean-Paul Akayesu

Rationale:

Count 14. Crimes Against Humanity (Other Inhumane Acts). Committing acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack by: murder, extermination, deportation, or forcible transfer of population; imprisonment; torture; rape or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance of persons; and other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

Guilty  Not Guilty

On the charge listed in Count 2, we find the Defendant Jean-Paul Akayesu

Rationale:
Count 15. Violations of Common Article 3 of the Geneva Conventions and of Article 4(2)(e) of Additional Protocol II: Outrages upon personal dignity, in particular rape, degrading and humiliating treatment, and indecent assault. Outrages upon personal dignity include, but are not limited to:

- Violence to life, health, and physical or mental well-being of persons, in particular murder, as well as cruel treatment such as torture, mutilation, or any form of corporal punishment;
- Collective punishment;
- Taking of hostages;
- Acts of terrorism;
- Outrages upon personal dignity, in particular, humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault;
- Pillage;
- And the passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people; or
- Threats to commit any of the above.

On the charge listed in Count 3, we find the Defendant Jean-Paul Akayesu

Rationale:

Sentencing

Read if the defendant is found NOT GUILTY on ALL counts:
“As you have been found not guilty on all counts, you are free to go.”

Read if the defendant is found GUILTY on ANY counts:
“Your sentence as to any counts to which you have been found guilty will be determined at a separate hearing.”
## Jury’s Witness Evaluation Form

<table>
<thead>
<tr>
<th>Witness</th>
<th>Convincing?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alison Desforges</strong>, scholar on Rwanda and eyewitness</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Jean-Paul Akayesu</strong>, Rwandan mayor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><em>Witness depositions for prosecution</em></td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><em>Witness depositions for defense</em></td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

1 = not convincing  
5 = very convincing
Members of the press observe the process and outcome of the trial, and then report on the proceedings to the public. The press has two important tasks: capturing the attention of the public with compelling and accurate headlines, and helping the public focus on key issues by highlighting the most significant parts of the trial.

Take notes here. **Underline the key issues** of the trial and its outcome, and as you come up with them, **circle your ideas for eye-catching headlines**. Be prepared to share these in the Post-Trial Discussion.
Post Trial Discussion

1. Discuss your reaction to the jury's verdict

2. Other general reactions
   - Did you feel empathetic toward the defendant?
   - How did those of you playing the judges and the medial feel?

3. Denialist testimony
   - How did it make you feel to hear that testimony?
   - What are some of the consequences of having denialist testimony included in a trial transcript?

4. Was justice done?
   - Where is justice?
     - Did it occur at the micro level (murder trial)?
     - Did it occur at the macro level (global scale)?
       - During the Holocaust, only 1% of the perpetrators were brought to justice. In Rwanda, thousands of perpetrators were released or never prosecuted.
The Darfur Genocide

2003-Present
480,000 Killed
Omar Hassan Ahmad al-Bashir, widely known as Omar al-Bashir, was born on January 7, 1944, in Hos Wad Banaqa, Sudan. Born to peasants, al-Bashir eventually moved to Khartoum with his family where he obtained his education and enlisted in the army. He quickly ascended through the military ranks, becoming a commander.

Al-Bashir helped lead a military coup that took over the elected government of Sudan in 1989. He helped to ban political parties, support government control of the press, and aided in passing Islamic Shariah law in Sudan. Since October 16, 1993, he held the title of President of the Republic of Sudan until a coup in 2019.
Evidentiary Binder
# Darfur Genocide Mock Trial Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Three Judges</strong> preside over the trial.</td>
<td></td>
</tr>
<tr>
<td><strong>The Bailiff</strong> initiates the proceedings and swears in witnesses.</td>
<td></td>
</tr>
<tr>
<td><strong>The defense attorneys</strong> conduct an opening statement, direct and cross-examination of witnesses, and a closing statement.</td>
<td></td>
</tr>
<tr>
<td><strong>Two prosecutors</strong> conduct an opening statement, direct and cross-examination of witnesses, and a closing statement.</td>
<td></td>
</tr>
<tr>
<td><strong>Four witnesses</strong> testify in the trial and have 1-3 pages of testimony.</td>
<td></td>
</tr>
<tr>
<td><strong>The defendant</strong>, Omar Al-Bashir, has 2 pages of testimony.</td>
<td></td>
</tr>
<tr>
<td><strong>Seven detail-oriented jurors</strong> reach a verdict and recommend sentences. The jury must be an odd number because they need to reach a verdict by majority vote.</td>
<td></td>
</tr>
</tbody>
</table>

The remaining participants will be members of the press.
*Note: This transcript was created for the Summer Institute Mock Trial. It depicts a hypothetical trial in which Omar al-Bashir is prosecuted by the International Criminal Court. Although liberties were taken with evidentiary rules and witness stories, care was taken to base the ‘testimony’ below upon public statements made by the named witnesses or witnesses who remained anonymous. Care was also taken to be as accurate as possible; however, some statements were altered, fabricated, or combined with other statements for purposes of this Mock Trial.

BAILIFF—All rise.

(Bailiff opens the door)

(Judges enter the room)

BAILIFF (as Judges enter the room)—The International Criminal Court is now in session for the situation in Sudan in the case of The Prosecutor versus Omar al-Bashir. The Honorable Judge ____________, Judge __________, and Judge __________ presiding. (fill in participants’ last names)

(Judges take their seats behind the bench)

JUDGE 1—Please be seated (motions to the rest of the courtroom to be seated). The Court will now take appearances from the parties. We start with the Prosecutor.

PROSECUTOR 1—Good afternoon, your Honors. Mr./Mrs. _________________ for the prosecution. (fill in participants’ last name)

PROSECUTOR 2—Mr./Mrs. __________ for the prosecution. (fill in participants’ last name)

DEFENSE COUNSEL 1—Good afternoon. Mr./Ms. _________________ for the defense, present and on behalf of President Omar al-Bashir. (fill in participants’ last name)

DEFENSE COUNSEL 2—Thank you, your Honors, Mr./Ms. _________________ present with, and on behalf of, President Omar al-Bashir. (fill in participants’ last name)

DEFENDANT—President Omar al-Bashir.

JUDGE 1—Thank you, Counselors. Is the prosecution ready to proceed?

PROSECUTOR 1—Yes, Your Honor.

JUDGE 1—And the defense?

DEFENSE COUNSEL 1—Yes, Your Honor.

JUDGE 1—Will the Defendant, Omar al-Bashir, please rise?

Defendant stands.
JUDGE 1—Omar al-Bashir, you have been charged with the following:

Count 1: Genocide

In Darfur, Sudan, between March, 2003 and at least July 14, 2008, Omar al-Bashir committed Genocide, by acting with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group by: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

Count 2: Crimes against Humanity

In Darfur, Sudan, between March, 2003 and at least July 14, 2008, Omar al-Bashir committed Crimes against Humanity, by committing acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack by: murder, extermination, enslavement; deportation or forcible transfer of population; imprisonment; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance of persons; and other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

Count 3: War Crimes

In Darfur, Sudan, between March 2003 and at least July 14, 2008, Omar al-Bashir committed War Crimes, by committing acts of murder; mutilation, cruel treatment and torture; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against historic monuments or hospitals; rape or other forms of sexual violence; and conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

JUDGE 1—Mr. al-Bashir, do you understand the charges against you?

DEFENDANT—Yes.

JUDGE 1—And to all three charges, you have pled not guilty, is that correct?

DEFENDANT—Yes.

JUDGE 1—You may sit. The parties may present their opening statements.

PROSECUTOR 1—Thank you, Your Honor. Your Honors, Counsel, today we will present testimony from individuals who have observed, experienced, and participated in the targeted and intentional acts taken to destroy, in whole or part, a national, ethnic, or racial group within Darfur, specifically those who have been labeled “Africans.” At the Defendant’s orders and with his support, Africans have been murdered, raped, and displaced. These atrocities occurred through targeted systematic attacks at the direction of
the Defendant and the Sudanese government. The Defendant has committed acts of Genocide, Crimes against Humanity, and War Crimes. At the conclusion of our case, we will ask that you find the Defendant guilty of all three counts.

DEFENSE COUNSEL 1—Your Honors, Counsel, the Defendant, President al-Bashir should be found not guilty of the crimes charged. He will testify about the difficulties in Sudan, including the continued civil unrest and an uncontrollable militia. You’ll also hear from a renowned scholar and participant in peacekeeping talks and observations about the complicated conflict in Darfur. You’ll hear evidence about how the ICC’s charges have been historically biased and unfair. You won’t hear evidence demonstrating that President al-Bashir has committed any of the alleged atrocities for which he is being charged. It is on that basis that we will ask that the Defendant be found not guilty of all charges. Thank you.

JUDGE 2—The prosecution may begin with the first witness.

PROSECUTOR 1—The prosecution would like to call Brian Steidle.

(Witness 1 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 1—My name is Brian Steidle.

BAILIFF—Please raise your right hand.

(Witness 1 raises right hand)

BAILIFF—Do you solemnly affirm that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth?

WITNESS 1—Yes.

PROSECUTOR 1—Where do you live?

WITNESS 1—in the United States.

PROSECUTOR 1—Are you a U.S. citizen?

WITNESS 1—Yes.

PROSECUTOR 1—What is your connection with Darfur?

WITNESS 1—I worked in Sudan as a patrol leader following my discharge from the Marines, where I had been a Captain Infantry Officer. There had been a cease-fire in Sudan. My role as a patrol leader was to observe and determine whether the ceasefire was being observed. During my time in Sudan I heard of a conflict going on in the Darfur region, a three-state area in western Darfur. I volunteered to spend six months in Darfur conducting observations and investigations. My job was to observe, receive
complaints, and investigate, meaning that I was asked to determine who was responsible. I was also asked to make recommendations and to send reports. I was armed with only a notebook and a camera.

PROSECUTOR 1—Did you observe anything of concern during your time in Sudan?

WITNESS 1—I was privy to a lot of information and I observed a lot of things that were very troubling. For background, there are several tribes in the Darfur region. Some of them identify as Arabs; some identify as Africans. They are all living in Africa, and they are all Muslim, but their ethnic identities separate them culturally and in other ways. The Arabs are primarily animal herders and the Africans are farmers.

The government of Sudan is controlled by Arabs. For decades they have limited the rights and the opportunities of the Africans in Sudan, especially the Africans in the Darfur region. The Africans wanted more access to education, health care, and a better future for their children. A lot of unrest was developing.

I was privy to information that on April 24, 2003, African rebels attacked a government airport. They destroyed planes and killed almost 75 people. This was the largest blow the Sudanese government had sustained from the African rebels. The African rebels meant it as a real wake-up call to the government to pay attention and to make change. But in response, the government went on a killing spree in Darfur against all the Africans in that region.

The government didn’t use their own soldiers. Instead, they used a militia known as the Janjaweed, meaning ‘devils on horseback.’ Janjaweed soldiers informed me that the government ordered them to attack Darfur villages. The Janjaweed were motivated to do this because they were told that they would be paid in whatever they could loot and steal from the people.

PROSECUTOR 1—What did you observe of the Janjaweed?

WITNESS 1—On July 29, 2004, the African Union issued a report. They had evidence of people chained together in makeshift shackles and burned alive by the Janjaweed. There were children from a girls’ school and the families who tried to save them, all burned alive; they were in those pictures. There were pictures of bodies of men who had been burned alive strewn around the area. The entire village was ash. I believed that if the photos were released to the Western public, there would be real outrage. There would be immediate aid for the people of Darfur and the brutality would end in a matter of days.

PROSECUTOR 1—What was done with your statement and reports?

WITNESS 1—Nothing. We never heard back about the reports. I later learned from the American Embassy that only four of my reports, of nearly 80, were ever actually seen.

PROSECUTOR 1—What do you know of the conflict in Darfur specifically?

WITNESS 1—There were rising tensions because people in Darfur wanted a role in the Arab-run government. If you don’t have a seat at the table, you don’t get any opportunities. But the Arab-led government under President al-Bashir wasn’t willing to give up any control. The Arabs are actually in the
minority in Sudan, and the only way a minority controls a majority is with force. Under al-Bashir’s regime, officials were appointed, specifically, to oppress the people who were non-Arabs, meaning the Africans. In the year 2000, orders were even carried out to collect arms from all non-Arab police to limit the power of the African majority and to promote the Arab way of life. When I first arrived in Darfur, another American said to me, “Welcome to hell.” He was right.

**PROSECUTOR 1**—What do you mean, he was right?

**WITNESS 1**—I had just missed a huge attack on a market. Men, women, and children were brutally killed. After I arrived, I observed countless attacks on markets, individuals, and families in villages and in IDP camps. These are camps for internally-displaced people who have fled from their burning villages, and then they’re hunted down again in these IDP camps. I watched systematic ethnic cleansing, genocide, there is no other way to describe it. The Africans were all targeted for extermination.

**PROSECUTOR 1**—Why do you call it a genocide?

**WITNESS 1**—Because the government specifically sought to destroy these African people. It wasn’t enough to displace them. They also wanted to rape or slaughter them and drive them away to where they had limited, or no, food or supplies. The actions were systematic. Rape was used as a tactic. It destroyed the women and their families. Villages were burned to the ground. Each individual hut was burned. This took time. It was not a careless afterthought, but a specific act carried out time and again.

**PROSECUTOR 1**—Why do you believe the government was behind this?

**WITNESS 1**—People in the Janjaweed openly told me this. I also actually observed Janjaweed and government soldiers working side by side in this destruction. I watched as the village of Um Zaifa was attacked. We showed up and saw a government helicopter dropping bombs. The villagers tried to fight off the attack. After the bombs were dropped and everything was in flames, the Janjaweed came in to loot and burn the village.

**PROSECUTOR 1**—What was the worst atrocity you witnessed?

**WITNESS 1**—I couldn’t say. There were so many, you know? I knew what we were doing was important, documenting the violence, but standing by and not being able to do anything to stop the violence was appalling. Every day I saw murders, rapes, robberies, and I was counting dead bodies. Counting the children who were wounded or dead.

**PROSECUTOR 1**—Mr. Steidle, you said you have proof, photographs of what you witnessed?

**WITNESS 1**—Yes. I have binders filled with photographs.

**PROSECUTOR 1**—Your Honors, may I approach the witness?

**JUDGE 2**—You may.

**PROSECUTOR 1** *(approach witness with two evidentiary binders)*—Mr. Steidle, I’m showing you what has been marked for identification purposes as Prosecution Exhibit 1. Can you tell me what it is?
**WITNESS 1 (reviews binders and returns them to Prosecutor)**—These are the photographs I took of the atrocities occurring in Darfur.

**PROSECUTOR 1**—And how do you know that?

**WITNESS 1**—Because these are the photographs I took myself. I printed them, placed them into binders, and I provided them to your office.

**PROSECUTOR 1**—Your Honors, I move to submit Prosecution Exhibit 1.

**JUDGE 2**—Any objection from the defense?

**DEFENSE COUNSEL 1**—Yes, Your Honor. We do not believe these photographs to be authentic.

**JUDGE 2**—Do you wish to inquire further of Mr. Steidle?

**DEFENSE COUNSEL 1**—Not at this time, Your Honor.

**JUDGE 2**—Just a moment.

*(Judges confer amongst themselves for a moment)*

**JUDGE 2**—Prosecution Exhibit 1 is admitted over Defense Counsel’s objection. The prosecution may approach to provide the Judges with the exhibit.

**PROSECUTOR 1** *(bring the binders to the Judges.)*—That concludes my examination for this witness.

**JUDGE 2**—The Defense may proceed.

**DEFENSE COUNSEL 1**—Mr. Steidle, do you have any proof that President al-Bashir actually had knowledge of any alleged genocide occurring in Darfur?

**WITNESS 1**—How could he not have known? The Janjaweed were being directed by orders from his government.

**DEFENSE COUNSEL 1**—But you have no proof, other than the word of rebel militia, that the government was involved.

**WITNESS 1**—I have my observations and my photos. I have personally observed the government troops fighting side by side with the Janjaweed, and clearly-marked government planes and helicopters dropping bombs.

**DEFENSE COUNSEL 1**—No further questions.

**JUDGE 2**—The witness may step down and the prosecution may call its next witness.

*(Witness 1 steps down from the stand)*
PROSECUTOR 1—The prosecution calls Dily. Your Honors, as previously authorized by the Court, this witness will be known as Dily. Dily’s identity will remain anonymous and he will be known only as Dily due to the extreme risk to Dily and his family if his complete identity were shared.

(Witness 2 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 2—For purposes of this proceeding, my name is Dily.

BAILIFF—Please raise your right hand.

(Witness 2 raises right hand)

BAILIFF—Do you solemnly affirm that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth?

WITNESS 2—Yes.

PROSECUTOR 1—Please tell the Court about your background.

WITNESS 2—I am a Sudanese Arab. I was born and raised in Sudan. My family owned a camel herd.

PROSECUTOR 1—Can you tell me what life was like before the conflict in Darfur.

WITNESS 2—For years leading up to the conflict, everything was fine in the area. We had the usual small arguments among different ethnic groups and tribes. We are camel herders. There were long-standing traditions of using the neighboring farmlands to graze and water our herds. In the early 2000’s Sudan suffered severe droughts and the desert expanded throughout the area. These droughts have gotten worse every year. Farms have dried up. Many more herders came into our area trying to find grazing land and water for their animals. We were all competing. Our neighbors, the farm owners, began fencing off their lands. They demanded exorbitant fees for us to use their land. This got worse and worse. We didn’t have the money, we needed the land and the water, and we were desperate.

PROSECUTOR 1—Then what happened?

WITNESS 2—I was tending my family’s camel herd when African rebels began attacking government targets. Our tribal elders pressured me to help protect our lands and our cattle. They wanted me to join the Janjaweed and to fight against the African tribes in Darfur. I realize now that the Sudanese government pressured the elders into fighting against the Africans. It was like a proxy war. The government didn’t use its own soldiers; instead, it used people like me to do the killing for them. I was trained in the rural area known as Kebkabiya [note: pronounced keb-KAH-bee-ya]. Uniformed government soldiers taught us how to use guns and how to attack villages. They separated us into battalions, gave us money, and even promised us regular salaries. They told us we could keep anything we could take from the villages we attacked - animals, household goods, and even the women and girls. Our animals had been starving and dying off because of no food or water, so we had nothing. This was a way for our families to be able to survive.
PROSECUTOR 1—What did you do as a member of the Janjaweed militia?

WITNESS 2—I attacked villages. Commanders told us where to go and what villages to attack. If there were fighters in a village, we would be more cautious. The Sudanese government would usually drop some bombs first. They bought Antonov bombers from the Russians. We went in after the bombs dropped and people were running like crazy. We would charge in on camels or horses and attack. We would yell our slogans, “Kill the slaves” and “Kill the blacks.” I personally attacked at least 30 villages.

I don’t know how many people I killed. We pushed people from their homes into remote locations where they had no food or water and they died. We even poisoned the wells in the area, so that if people did return, they’d die.

PROSECUTOR 1—Did you kill civilians?

WITNESS 2—Yes, of course; I killed men, women, and children.

PROSECUTOR 1—Did you participate in rapes?

WITNESS 2—No, but I saw other Janjaweed take women and girls away and rape them. The women were gang-raped and often they were raped with knives, guns, and other sharp objects. The Janjaweed would sometimes kill women and girls who struggled – and sometimes they killed them after raping them, just because they felt like getting rid of the Africans.

PROSECUTOR 1—How long were you a member of the Janjaweed?

WITNESS 2—Three years. I didn’t even really know what I was fighting for, but I was afraid they’d kill me if I tried to leave. Eventually, I slipped away one night. I hid for days and then I was smuggled out of Sudan.

PROSECUTOR 1—What made you decide to come forward to testify?

WITNESS 2—I have applied for asylum in London. I know I have done unspeakable things and I am gravely sorry. I followed orders. Eventually, I realized that I had been fooled into my actions. The Janjaweed was formed for the purpose of ethnic cleansing, to get rid of the Africans. This was the only reason to attack villages, kill people, and displace them. I am trying to make amends by telling the truth about what happened in Darfur and by describing how the Sudanese government controls the Janjaweed.

PROSECUTOR 1—Thank you, Dily. Nothing further from this witness.

JUDGE 2—The defense may proceed with this witness.

DEFENSE COUNSEL 1—Mr. Dily, have you ever met the Defendant?

WITNESS 2—No.

DEFENSE COUNSEL 1—Has the Defendant ever spoken to you or told you directly to do something on behalf of the Sudanese government?
WITNESS 2—No, orders were passed down. We were ordered to cleanse Darfur of the dirty slaves, meaning the Africans, so that we could have a true Arab Union in Sudan.

DEFENSE COUNSEL 1—Mr. Dily, can anyone verify that you actually were a member of the Janjaweed?

WITNESS 2—I don’t know. I’m sure there are members who know me, who remember me, but that’s something I fear. If someone knows that I defected, my family and I will definitely be killed.

DEFENSE COUNSEL 1—No further questions.

PROSECUTOR 1—Your Honors, permission to re-direct the witness?

JUDGE 2—Go ahead, Prosecutor.

PROSECUTOR 1—Is there any way that you benefit from your testimony, beside the opportunity for asylum?

WITNESS 2—No.

PROSECUTOR 1—in fact, by providing this testimony, you know you are telling the Court that you personally aided in murders of countless civilians and burning of villages.

WITNESS 2—That is correct.

PROSECUTOR 1—No further questions, Your Honors.

JUDGE 2—The witness may step down and the prosecution may call its next witness.

(Witness 2 steps down)

PROSECUTOR 2—The prosecution calls Mira. Your Honors, as previously authorized by the Court, this witness will be known as Mira. Mira’s identity will remain anonymous and she will be known only as Mira due to the extreme risk to her and her family if her complete identity were shared.

(Witness 3 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 3—My name is Mira.

BAILIFF—Please raise your right hand.

(Witness 3 raises right hand)

BAILIFF—Do you solemnly affirm that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth?

WITNESS 3—I do.

PROSECUTOR 2—Please tell the Court about yourself.
WITNESS 3—I am from a non-Arab household; we’re African, from the Zagawa tribe. Before this war, my family owned farmland in West Darfur where I lived with my six children and my husband. Our village was attacked in 2003.

PROSECUTOR 2—What happened when your village was attacked?

WITNESS 3—I heard planes, then trucks, and then people riding on camels and horseback came into the village with big guns. Everything was set on fire, homes, even people. There was chaos everywhere. We ran, but we didn’t know where to go.

PROSECUTOR 2—But you were able to get away?

WITNESS 3—Yes, we made it to an IDP camp. There wasn’t enough food, but it was safest to stay at the camp. If you left, you risked being taken or beaten by the Janjaweed. Once, I was beaten for two hours with sticks. Another time, I saw women and girls taken away to be raped. The Janjaweed took three girls and one woman.

PROSECUTOR 2—How did you know why they were taken?

WITNESS 3—We all knew, from what the Janjaweed said when they took the women and from the condition of the women and girls afterwards. I was able to escape and return to the camp to warn families. I had to tell my sister that her 13-year-old daughter was taken. The mothers went and brought back their daughters and the woman, and they all had to be hospitalized. The girls were raped by many men, as many as five or ten. One of the girls became pregnant and eventually had a child. Her father could not handle what had happened to her. He died of illness shortly after.

PROSECUTOR 2—Is there anything else you’d like to tell the Court?

WITNESS 3—One of the young women who was about to be raped was told she was too dark, that she was like a dog. She was told that the government gave the Janjaweed permission to rape her. They didn’t think of us as people; they called us dogs and terrible names.

PROSECUTOR 2—I have no further questions.

JUDGE 3—Defense counsel, please proceed.

DEFENSE COUNSEL 1—I have no questions for this witness.

(Witness 3 steps down)

JUDGE 3—Anything further from the prosecution.

PROSECUTOR 2—that concludes the prosecution’s examination in chief. The prosecution rests.

JUDGE 3—The defense may present its case at this time.

DEFENSE COUNSEL 1—The Defense calls the accused, Omar al-Bashir.

(Defendant takes the witness stand)
BAILIFF—Please state your name for the record.

DEFENDANT—Omar al-Bashir.

BAILIFF—Please raise your right hand.

(Defendant raises right hand)

BAILIFF—Do you solemnly affirm that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth?

DEFENDANT—Yes.

DEFENSE COUNSEL 1—Please provide the court with a brief background about yourself and your role in the Sudanese Government.

DEFENDANT—I was President of the Republic of Sudan. I held this title since October 16, 1993. Prior to this, I was a Commander in the army. I was part of a military coup to take over the Sudanese government.

DEFENSE COUNSEL 1—President al-Bashir, you have been present to hear the charges and allegations against you by the Prosecution’s various witnesses?

DEFENDANT (said angrily)—Yes.

DEFENSE COUNSEL 1—Do you have a response to the accusations?

DEFENDANT—They don’t even deserve a response. My government has merely responded to attacks on our facilities caused by these blacks.

DEFENSE COUNSEL 1—Have you, in any way, authorized actions of the Arab militia, the Janjaweed, as they are being called?

DEFENDANT—Absolutely not. They are loose cannons. I have done what I could, but there’s no way for my government to stop these men. This conflict, the gist of the Darfur problem, is just traditional conflict over resources, which has been coated with claims of marginalization. It’s one ethnic group against another, but the Africans have attacked the government without any provocation.

DEFENSE COUNSEL 1—President al-Bashir, are you denying all the charges and allegations against you?

DEFENDANT—I am, absolutely.

DEFENSE COUNSEL 1—No further questions.

JUDGE 3—Prosecutor, you may proceed.

PROSECUTOR 2—Yes. Thank you, Your Honor. Mr. al-Bashir, there are warrants out for your arrest. The first one was issued in March 2009, with a subsequent warrant in 2010 for genocide. Why have you evaded the warrants?
**DEFENDANT**—Why would I come forward? The International Criminal Court only targets people in African countries. Furthermore, it is ludicrous to charge a former head of state. I was the president and I should have immunity from this Court. No other former head of state has ever been indicted like this. It’s a witch hunt by white imperialists.

**PROSECUTOR 2**—Mr. al-Bashir, in your questioning on direct examination, you indicated that this conflict was just a conflict over resources. Are you saying that all that has transpired in Darfur is just a traditional conflict?

**DEFENDANT** (*stammering, then yelling angrily*)—Well, I... I’m saying that there is a lot of unrest because of the scarcity of resources.

**PROSECUTOR 2**—In 2016, did you declare a four-month unilateral cessation of hostilities in one of the regions and an end to offensive military actions in Darfur?

**DEFENDANT**—Yes, I tried to end the fighting.

**PROSECUTOR 2**—You could have ordered this cessation of hostilities and end to offensive military action previously, isn’t that right? It had already been going on for thirteen years.

**DEFENDANT**—Maybe, but this amounted to nothing. There is still violence and instability between the two groups, the Arabs and the Africans. The government has nothing to do with it. The Janjaweed soldiers are an independent militia that is completely separate from the Sudanese army. That militia does not report to my government or take orders from me. I have absolutely no control over anything that the Janjaweed does. That’s why these charges are so ludicrous.

**PROSECUTOR 2**—That is all.

**JUDGE 3**—The defendant may step down and return to his seat.

*(Defendant steps down)*

**DEFENSE COUNSEL 2**—Your Honors, the defense calls Alex de Waal.

*(Witness 4 takes the witness stand)*

**BAILIFF**—Please state your name for the record.

**WITNESS 4**—Alex de Waal.

**BAILIFF**—Please raise your right hand.

*(Witness 4 raises right hand)*

**BAILIFF**—Do you solemnly affirm that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth?

**WITNESS 4**—Yes.
**DEFENSE COUNSEL 2**—Please provide the court with a brief background about yourself and your connection to Darfur.

**WITNESS 4**—I am a long-time writer and activist on African issues. I am currently the Executive Director of World Peace Foundation. I spent significant time in Darfur and I have strong ties to the region. From 2005 until 2006 I was seconded to the African Union mediation team for Darfur. We were trying to address some of the ongoing conflicts. From 2009 until 2011, I was senior advisor to the African Union High Level Implementation Panel. The intent was that I would advise and assist in implementing the peace agreement in Darfur.

**DEFENSE COUNSEL 2**—What is your understanding as to the history of conflict in Darfur?

**WITNESS 4**—Well, unfortunately Darfur is no stranger to conflict. Darfur has had significant conflict dating back to the 1300s. Over the last 25 years, specifically, there have been regular and recurrent wars. There are episodes of brutal conflict leading to mass displacement. The government aligns with and utilizes militias to help support their power and position. Unfortunately, the militias have their own agendas that sometimes conflict with the goals of the government. It’s very complicated, particularly because it’s not a one- or two-sided conflict.

**DEFENSE COUNSEL 2**—Why is this so complicated?

**WITNESS 4**—It’s a multi-sided conflict. There are Arab militias, rebel commanders from the Sudanese Liberation Army, militias made up of West African hired soldiers, and more. It’s not as simple as a conflict between “Arabs” and “Africans.” We are talking about a country with warring sides having no discernible racial or religious differences. All these tribes have lived in Darfur for centuries and all are Muslims, even though their religious observance may vary.

**DEFENSE COUNSEL 2**—What do you think is to blame for the conflict?

**WITNESS 4**—Again, it’s complicated. I think the biggest problem in Darfur is anarchy. There’s incredible inequality in Darfur, from economic resources to political ones. I can say that the militia have made targeted attacks on villages, but I don’t know that anyone can actually prove that this was at Mr. al-Bashir’s direction. I don’t believe we have proof that he was behind any of the massacres, only that his actions, and the Sudanese government’s actions, have contributed to the situation. The government’s arming of militias, especially the Arab militias, has certainly caused greater hostilities.

**DEFENSE COUNSEL 2**—Do you have any knowledge, or know of anyone with knowledge, that the Defendant has personally set out to plan these attacks on his own people, as alleged by the prosecution?

**WITNESS 4**—I do not.

**DEFENSE COUNSEL 2**—Are you aware of the number of cases the ICC has heard since its inception?

**WITNESS 4**—Yes.
DEFENSE COUNSEL 2—And how many cases have been heard?

WITNESS 4—Twenty-two cases have been investigated at the International Criminal Court.

DEFENSE COUNSEL 2—Do you know how many individuals have been accused of crimes by the ICC?

WITNESS 4—Yes, thirty-four.

DEFENSE COUNSEL 2—Do you know how many of the accused are African?

WITNESS 4—Yes. All of them.

DEFENSE COUNSEL 2—Thank you. No further questions of this witness.

JUDGE 3—Prosecutor, any cross examination?

PROSECUTOR 2—Yes, thank you your Honor. Mr. De Waal, isn’t it true that in July 2004, in Addis Ababa, you claimed that “In 1987, political processes were in motion that led ultimately to the outbreak of war in 2003 and its escalation into genocidal massacre and displacement”?

WITNESS 4—I may have indicated that the political processes were ripe for an outbreak of conflict. I think what has occurred is unfortunate and atrocious. I agree something should be done. I believe that what has occurred in Darfur is best categorized as brutal counterinsurgency, fighting against the rebels and using genocidal tactics.

PROSECUTOR 2—Is it accurate to state that you have previously indicated that Darfur is not only “a textbook study of famine, but of genocide as well”?

WITNESS 4—Yes, again, in terms of the genocidal tactics used - the targeted scorched-earth tactics used by many of the militia. There has been rebellion and attempts to destroy those who support rebellion, but the racial aspect is limited. It’s not an eliminationist genocide, though genocidal tactics are used.

PROSECUTOR 2—You coined a phrase, “genocide by force of habit.” What do you mean when you use that phrase?

WITNESS 4—I have used that term to mean when things are taken to the extreme, where militia purposely targets and goes for scorched earth, famine, and massacre. It’s essentially an extreme destruction of civilization and, when it happens repeatedly, it seems to become a force of habit in a society. But I don’t think this applies to Darfur anymore. In Darfur we are even missing some of the racial agenda that existed before 2000. The timeframe we are talking about now and the issues to date involve Arabs and Africans on both sides.

PROSECUTOR 2—Do you believe that the Defendant has engaged in crimes against humanity?

WITNESS 4—What has happened in Darfur is atrocious. I don’t know what you call it, maybe it is crimes against humanity. Rebels have committed some extreme crimes and ought to be held accountable. What Mr. al-Bashir has done, or has been unable or unwilling to stop, is terrible, but I have no evidence I can offer as proof that Mr. al-Bashir personally acted with intent or personally committed the crimes for
which he is accused. My biggest criticism is that there hasn’t been enough effort to bring peace. That can’t be achieved without the government of Sudan being part of the peace efforts.

PROSECUTOR 2—No further questions, your Honors.

(Witness 4 steps down)

JUDGE 3—Anything further from the Defense?

DEFENSE COUNSEL 2—The Defense rests.

JUDGE 3—The prosecution may offer a closing statement at this time.

PROSECUTOR 2—Thank you, Your Honor. As you all heard from Mr. Steidle, Dily, and Mira, the Defendant (point to Defendant) has engaged in purposeful acts of brutality, targeted toward systematically attacking and destroying African civilians and so-called African rebels to purposely destroy the entirety of their groups based upon their ethnic, racial, or religious identity. Defendant Omar al-Bashir has directly supported the Janjaweed and other militia groups not just by providing weapons and encouragement to rape, pillage, loot, and murder, but by providing orders to target specific groups of individuals.

These groups are not just killed, but they are deliberately targeted in heinous ways. Women, children, and men are systematically attacked; villages are surrounded and burned to the ground with, or without, their inhabitants. These groups are forced from their homes into IDP camps where they are often targeted again and deprived of the basic necessities of life. These acts are not only atrocious, as Alex de Waal has indicated, but they fit the definitions of genocide, crimes against humanity, and war crimes. Although the Defendant has not personally pulled a trigger or set the fires himself, he has supported, condoned, and ordered these heinous acts.

Your Honors, the prosecution has demonstrated, beyond any reasonable doubt, that the Defendant, as President of Sudan, between March 2003 to at least July 14, 2008, did:

1. Commit Genocide by acting with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group by: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

   Evidence has been presented that the Defendant targeted African people within his country. He ordered them to be killed and tortured. He authorized the rape of women, some of whom were still children, and the displacement of these groups. He has intentionally allowed the militia to act, and to continuously target, civilians.

2. Commit Crimes against Humanity, by committing acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack by: murder,
extermination, enslavement; deportation or forcible transfer of population; imprisonment; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds; enforced disappearance of persons; other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

Specifically, we have shown that the Defendant acted in a systematic way to arm militia and order them to carry out appalling acts of murder, torture, and rape. He supported and directed the Janjaweed to force people from their homes, to destroy their communities, and to perpetrate rape against the “slaves.” Your Honors, a former Janjaweed militia member testified before you about the training he received, the atrocities he participated in, and what he observed during this timeframe. Evidence has demonstrated that inhumane acts of chaining people and burning them alive took place in Darfur due to the directives of the Defendant. The goal was not just to displace, but to destroy. Individuals were not just driven away, but their homes were destroyed, hut by hut. These were not careless acts but a systematic attack where even rape was used as a strategy and tactic of war to destroy individuals and their families. Wells were poisoned in attempts to “cleanse Darfur of the dirty slaves.” To further show that the government knew what was going on, we have witness accounts that government soldiers and aircraft were seen participating in these targeted attacks.

Lastly,

3. the Defendant had knowledge of attacks by: murder, extermination, enslavement; deportation or forcible transfer of population; imprisonment; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance of persons; other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

The Defendant, as President of the Sudanese government, not only knew about these atrocities, but he and his government provided instructions on what, and where, to carry out these targeted attacks. Civilians were forced from homes that were later destroyed, while others were murdered on the spot. Mira and Dily both provided testimony about rapes occurring at the hands of the Janjaweed. We provided evidence of Inhumane acts perpetrated at the direction of the Defendant, including, but not limited to, well poisonings and burning people alive.

The Defendant needs to be held accountable for the atrocities he has supported and directed under his authority.
JUDGE 3—Defense counsel, you may proceed.

DEFENSE COUNSEL 2—Thank you. The Prosecution has the burden to demonstrate the charges beyond any reasonable doubt. They have failed to meet their burden. They have surely shown that the militias have wreaked havoc on Darfur and the Darfur people. They have successfully demonstrated that there are humanitarian issues and struggles occurring in Darfur. We do not dispute this.

The prosecution has failed to show that President Omar al-Bashir had any knowledge, control, or hand in causing or supporting such atrocities. The Defendant and Mr. de Waal both explained that the Janjaweed are separate and apart from the Sudanese government. The Defendant has no control over the militias and has not provided them with directions or instructions to conduct these heinous acts. He should not be charged, let alone punished, for being the President of a country facing difficulties and turmoil. He should not be a scapegoat. It is chilling that the ICC has heard only 22 cases since its inception and accused 34 individuals, all of them being black.

JUDGE 3—Thank you, counselors. We will recess and return with our verdict. President al-Bashir, we will determine whether you are guilty of the crimes for which you have been charged. The Bailiff will be entrusted with your care and control until we have rendered a verdict.

BAILIFF—All rise.

Judges: You will be making a determination as to the guilt or innocence of Omar Al-Bashir for each of the three counts against him. Your verdict for each count must include a full and well-reasoned statement as to the Defendant’s guilt or innocence. To find the Defendant guilty of any count, you must find that the Prosecutor proved his guilt beyond a reasonable doubt.
<table>
<thead>
<tr>
<th>Witness</th>
<th>Convincing?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Brian Steidle</strong>, Patrol Leader</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Dily</strong>, Defector from Janjaweed</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Mira</strong>, victim/survivor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Omar al-Bashir</strong>, defendant</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Alex de Waal</strong>, writer, activist, and Executive Director of World Peace Foundation</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>
Members of the Press - Role Sheet

Members of the press observe the process and outcome of the trial, and then report on the proceedings to the public. The press has two important tasks: capturing the attention of the public with compelling and accurate headlines, and helping the public focus on key issues by highlighting the most significant parts of the trial.

Take notes here. Underline the key issues of the trial and its outcome, and as you come up with them, circle your ideas for eye-catching headlines. Be prepared to share these in the Post-Trial Discussion.
Post Trial Discussion

1. Thoughts on the jury’s verdict?

2. Other general reactions?
   • Who in the audience/ jury felt empathetic toward the defendant?
   • What about the judge(s)?
   • Media?

3. Witness testimony
   • How did it make you feel to hear that testimony?

4. Why have 34 of the ICC’s cases been against African countries? How does this impact your perception of this case?

5. Was justice done?
   • What is justice?
     o Personal accountability for defendant’s crimes?
     o In an era of “fake news” and the real possibility of doctored photographic and video evidence, how sure do we need to be when convicting an unsympathetic defendant of genocide?
     o Is it just to convict somebody not for committing a crime, but for failing to stop a crime?
   • Where is justice?
     o Does a single murder trial create justice?
     o At a global level, is justice probable?
       • After the Holocaust, only 1% of the perpetrators were prosecuted. In Rwanda, thousands of prosecutors were never prosecuted.
The Conflict in Syria

2011- Present
400,000 Dead
5 Million Seeking Refuge
6 Million Internally Displaced
Bashar al-Assad was born on September 11, 1965 to the late Syrian President Hazef al-Assad and Anisa Makhlouf al-Assad, in Damascus, Syria. He was not initially intended to take on the role of successor to his late father, but President Hafez Assad’s oldest son Basel died in 1994 and Bashar was recalled from medical training in Britain to be groomed as Syria’s next president.

Bashar al-Assad was elected unopposed as President of Syria in July 2000 and again in 2007. In April 2011, following the Arab Spring protests, al-Assad implemented the country’s state of emergency law, allowing the government broad powers to detain people believed to be a threat to Syria’s national security. In 2014, he was re-elected in a multi-candidate direct presidential election.
Syrian Genocide Mock Trial Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Judges preside over the trial.</td>
<td></td>
</tr>
<tr>
<td>The Bailiff initiates the proceedings, swears in witnesses, and provides instruction to the jury after the trial is submitted.</td>
<td></td>
</tr>
<tr>
<td>The defense attorney conducts direct examination of the defendant and cross-examination of witnesses.</td>
<td></td>
</tr>
<tr>
<td>Two prosecutors handle direct exams of witnesses and each cross-examine one defendant.</td>
<td></td>
</tr>
<tr>
<td>Four witnesses testify in the trial.</td>
<td></td>
</tr>
<tr>
<td>The defendant, Bashar al-Assad, has 2 pages of testimony.</td>
<td></td>
</tr>
<tr>
<td>Seven detail-oriented jurors reach a verdict and recommend sentences. The jury must be an odd number because they need to reach a verdict by majority vote.</td>
<td></td>
</tr>
</tbody>
</table>

The remaining participants will be members of the press. Some will represent pro-Syrian media, the others pro-Western media.
Syrian Genocide Mock Trial Transcript

*Note: This transcript was created for the Summer Institute Mock Trial. It depicts a hypothetical trial in which Bashar al-Assad is prosecuted by the International Criminal Court. Although liberties were taken with evidentiary rules and witness stories, care was taken to base the ‘testimony’ below upon public statements made by the named witnesses or witnesses who remained anonymous. Care was also taken to be as accurate as possible; however, some statements were altered, fabricated, or combined with other statements for purposes of this Mock Trial.

BAILIFF—All rise.

(Bailiff opens the door)

(Judges enter the room)

BAILIFF (as Judges enter the room)—The Honorable Judge ___________, Judge ___________, and Judge ___________ presiding. (fill in participants’ last names)

(Judges take their seats behind the bench)

JUDGE 1—Please be seated (judge motions to the rest of the courtroom to be seated). I call this court to order. Is the prosecution ready to proceed?

PROSECUTOR 1—Yes, Your Honor.

JUDGE 1—And the defense?

DEFENSE COUNSEL—Yes, Your Honor.

JUDGE 2—Will the Defendant, Bashar al-Assad, please rise.

(Defendant stands)

JUDGE 2—Bashar al-Assad, you have been charged with the following:

Count 1: Genocide. In Syria, between March 2011 and the present, Bashar al-Assad committed genocide, by acting with intent to destroy, in whole or in part, a national, ethnic, racial or religious group by: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

Count 2: Crimes against Humanity. In Syria, between March 2011 and the present, Bashar al-Assad committed crimes against humanity, by committing acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack by murder, extermination, deportation or forcible transfer of population; imprisonment; torture; rape or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national,
ethnic, cultural, religious or gender grounds; enforced disappearance of persons; other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

**Count 3: War Crimes.** In Syria, between March 2011 and the present, Bashar al-Assad committed war crimes, by committing acts of murder; mutilation, cruel treatment and torture; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against historic monuments or hospitals; rape or other forms of sexual violence; conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities.

**JUDGE 2**—Mr. Assad, do you understand the charges against you?

**DEFENDANT**—Yes

**JUDGE 2**—And to all three charges, you have pled not guilty, is that correct?

**DEFENDANT**—Yes.

**JUDGE 2**—You may sit. The prosecution may present its case-in-chief.

**PROSECUTOR 1**—The prosecution would like to call its first witness. Your Honor, our first witness is known as Caesar. As previously authorized by the Court, Caesar’s identity will remain anonymous and he will be known only as Caesar due to the extreme risk to him and his family if his identity were to be shared.

*(Witness 1 takes the witness stand)*

**BAILIFF**—Please state your name for the record.

**WITNESS 1**—My name, for purposes of this proceeding, is Caesar.

**BAILIFF**—Please raise your right hand.

*(Witness 1 raises right hand)*

**BAILIFF**—Do you swear to tell the truth, the whole truth, and nothing but the truth?

**WITNESS 1**—Yes.

**PROSECUTOR 1**—Caesar, you have requested to remain anonymous during these proceedings. Why is that?

**WITNESS 1**—It is absolutely necessary for my safety and the safety of my family. I am in constant fear for myself and my family. I fear that Assad will try to find me and eliminate me or take revenge on my family.

**PROSECUTOR 1**—Please tell the Court about yourself and your experience with the Syrian government from March 2011 to today.
WITNESS 1—I was a member of the Syrian Military Police. Specifically, I was a Forensic Photographer. I was summoned to take photographs of civilian bodies as evidence. I took photographs at Tishreen Military Base and Mezze Hospital, not far from the Presidential Guard.

PROSECUTOR 1—Why were you taking photographs at these locations?

WITNESS 1—The government of Syria is so bureaucratic, it’s stupid. Even though they were committing crimes, they were following standard documentation procedures.

PROSECUTOR 1—Why were they following these procedures?

WITNESS 1—To have proof of death. This allowed us to catalogue the cause of death and provide a death certificate.

PROSECUTOR 1—What was the procedure?

WITNESS 1—We initially put a name on each corpse, but after a while, a few weeks or a month, we just put numbers. We gave numbers for the detainee, the branch where the person was imprisoned, and later one for the medical report. The numbers were also falsified to show that individuals died at a hospital instead of at another detainment facility. The numbers sometimes became illegible, due to the poor tape. Sometimes mistakes were made. Most times the pathologist would give a false reason for death, such as heart attack or respiratory problems.

PROSECUTOR 1—What was your understanding of the individuals you were photographing?

WITNESS 1—I was told they were terrorists, but they weren’t. They were only demonstrators.

PROSECUTOR 1—Tell me about the bodies and how they were photographed.

WITNESS 1—I photographed over 6,700 corpses. The bodies showed signs of torture like I couldn’t believe. It made me ill, but I had to continue working out of fear. I often had to take breaks to stop from crying. I would wash my face, but I wasn’t doing well.

PROSECUTOR 1—What do you mean, they showed signs of torture?

WITNESS 1—The regime used to torture only to get information from people. But now they clearly tortured people to kill them. The torture was obvious by the marks left by burning of candles. One man had a round mark of a stove burned into his face. I would see deep cuts, eyes gouged out, broken teeth, lashes from cables, and wounds full of pus that clearly had been untreated for a long time. Some had blood on their bodies that looked fresh. The bodies piled up so quickly that the sun and heat got to some of the bodies. Some of them had started to rot.

PROSECUTOR 1—Did you ever photograph anyone you knew?

WITNESS 1—Yes, but I didn’t realize it until months later. I couldn’t take what was happening anymore so a friend and I copied the photographs. Later, when I was reviewing them, I realized I had
photographed a friend. He had spent two months in detention and I didn’t even recognize him when I took his photograph. People changed so much from the torture and detention.

PROSECUTOR 1—That concludes my examination for this witness.

JUDGE 3—The Defense may proceed.

DEFENSE COUNSEL—Caesar, did Assad ever directly order you to take photographs of individuals?

WITNESS 1—Not personally, but through my employment.

DEFENSE COUNSEL—Was Assad ever present and providing direction to guards to torture or harm anyone?

WITNESS 1—Not that I witnessed.

DEFENSE COUNSEL—No further questions.

JUDGE 3—The witness may step down and the prosecution may call its next witness.

(Witness 1 steps down from the stand)

PROSECUTOR 2—The prosecution calls Bill Wiley.

(Witness 2 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 2—Bill Wiley.

BAILIFF—Please raise your right hand.

(Witness 2 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth?

WITNESS 2—Yes.

PROSECUTOR 2—Please tell the Court about your background.

WITNESS 2—I am the Executive Director of the Commission for International Justice and Accountability. It is an organization that builds case files against Syrian officials for international prosecution.

PROSECUTOR 2—Have you found any evidence of wrongdoing by the Syrian Government?

WITNESS 2—Absolutely. I have over 600,000 documents as evidence. Some of these documents set out the policy of the regime. Others demonstrate who has been targeted.

PROSECUTOR 2—What proof do you have that this targeting was part of a policy?
WITNESS 2—There is proof of orders passed all the way down the chain of command. The treatment of detainees across the country did not differ in any substantial way. The practices of abuse are widespread and systematic.

PROSECUTOR 2—What type of abuse?

WITNESS 2—The abuse included murder, rape, and torture of detainees. In Saydnaya (pronounced said-NAY-ya) military prison, an estimated 13,000 people were executed in mass hangings. The hangings were authorized by the highest level of government. Children have been beaten with metal cables, whips, and batons. They have undergone electrical shock, cigarette burns, and sexual violence. Chemical attacks against civilians have also occurred.

PROSECUTOR 2—Who was targeted?

WITNESS 2—There were various categories of people to be detained. The main categories were financiers of demonstrations, instigators of demonstrations, and people who have communicated with international organizations or foreign media. The regime has been hammering peaceful protesters. There are thousands of arrest lists put out by the Syrian government. The people who are apprehended are not confined to detention centers. They are also in hospitals for treatment where the torture continues. And the people who are being apprehended are not only adults. Over 2,000 children are missing.

PROSECUTOR 2—Tell me about the chemical attacks.

WITNESS 2—It has been known since 2012 that Syria possessed chemical weapons. There was public acknowledgement of such fact in July of 2012. Since that time, it has been believed that sarin or sarin-like substances were used numerous times, on small-scale operations. Sarin is a deadly gas that can kill people within only a few minutes of being inhaled. It paralyzes the lungs and people can’t breathe. Production of sarin has been outlawed since 1997 and it’s classified as a weapon of mass destruction. On August 21, 2013, such chemical weapons were used. The death toll was somewhere between 355 - 1,300. Clinics and headquarters of the Syria Civil Defense have been targeted by chemical attacks. On April 4, 2017, more than 80 people were killed and 541 injured, when warplanes attacked the Syrian town of Khan Sheikhoun (pronounced con she-COON). Thirty-three of those killed were children. People foamed at the mouth, had blue faces and lips. Hospital employees and environmental samples have confirmed that sarin or a sarin-like substance was used.

PROSECUTOR 2—Do you believe Bashar al-Assad had knowledge of these atrocities?

WITNESS 2—Absolutely. Orders came from the highest levels of government. Hospitals implicated and confirmed this in their own documents. There is a Memorandum from the Judicial Police Head of Criminal Security Branch telling that parents and relatives are asking about the fate of their family members daily. It cautions Assad to listen because the hospital refrigerator is full of unidentified corpses that have disintegrated because they have been there so long. The top of the regime was
notified. They know who has been detained and what has happened to them, but they refuse to tell the families. Families are left to wonder.

**PROSECUTOR 2**—In your evidence gathering, have you come across Caesar’s photographs?

**WITNESS 2**—Yes. The CIJA helped to vet and verify the photographs. Thanks to Caesar, hundreds of families have identified loved ones. The photographs align with relatives who were arrested and detention centers the family members were sent to.

**PROSECUTOR 2**—Is there anything else you have learned that is important for the Court to know?

**WITNESS 2**—During my investigation, I also found evidence of the use of child soldiers. Children were recruited by both sides in Syria. Often they were enticed with monthly salaries. Assad’s forces sometimes used children as human shields in combat.

**PROSECUTOR 2**—Thank you, Mr. Wiley. Nothing further from this witness.

**JUDGE 3**—The defense may proceed with this witness.

**DEFENSE COUNSEL**—Mr. Wiley, you’re from Canada, is that right?

**WITNESS 2**—That’s correct.

**DEFENSE COUNSEL**—Mr. Wiley, in your investigation, did you come across any order signed by Assad directing the torture of innocent individuals?

**WITNESS 2**—No, nothing signed by Assad.

**DEFENSE COUNSEL**—Do you have firsthand knowledge that Caesar’s photographs are indeed what Caesar claims?

**WITNESS 2**—No, but we have vetted the photographs and found them to be credible.

**DEFENSE COUNSEL**—No further questions.

**PROSECUTOR 1**—Your honor, permission to re-direct the witness?

**JUDGE 3**—Go ahead, prosecutor.

**PROSECUTOR 1**—Mr. Wiley, please tell the Court about directives that were contained in the orders you collected in your investigation.

**WITNESS 2**—The documents help reveal the people responsible, all the way to the top. No one ever says, “Kill all those people.” What we do is follow the direction that comes from the top and the reports that go back up. Assad is at the top, and he’s not a figurehead. He’s very much involved. At the top, officials set out broad policies with directives like “suppress the uprising.” But of course you would not find detailed orders that people should be tortured to the point of death. The orders are expressed in more functional, scientific language but they’re clear about the objectives. What’s also clear is the widespread and systematic abuse which supports the fact that directives came from the top.
PROSECUTOR 1—No further questions, Your Honor.

JUDGE 3—The witness may step down and the prosecution may call its next witness.

(Witness 2 steps down)

PROSECUTOR 2—The prosecution calls Mazen al-Hamada.

(Witness 3 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 3—Mazen al-Hamada.

BAILIFF—Please raise your right hand.

(Witness 3 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth?

WITNESS 3—Yes.

PROSECUTOR 2—Please tell the Court a little bit about your background.

WITNESS 3—I come from a great family in Syria. We are close and we have a great family life. My family is middle-class, left-wing. We have opposed the authoritarian rule of the Assad family for over 40 years. In 2011 the Arab Spring swept across Syria. I was part of some protests and I organized others. I fled to evade capture.

PROSECUTOR 2—Were you ever captured?

WITNESS 3—Yes. In March 2012, I was asked to help smuggle baby formula to a besieged area in Damascus. My nephews and I smuggled in 55 packages of formula. We met people at a café to drop off the formula. Unfortunately, we handed over the formula and we were raided at the coffee shop. Our shirts were pulled over our heads and we were put in the trunk of a car. They told us they were going to execute us. I was taken to Mezze Military Airport.

PROSECUTOR 2—What happened at Mezze?

WITNESS 3—I was stripped to my underwear and I was beaten. I was then thrown in a holding cell with 40 others. The cell was 12 feet square. People went crazy. They would lose their memories, their minds. People were covered with sores and scabies.

PROSECUTOR 2—Were you ever interrogated?

WITNESS 3—Yes, my name was called for interrogation. The first time I was blindfolded and handcuffed. I was made to kneel. They asked me what I had done. I told them I had gone on demonstrations. I had made videos and shared them with foreign media and other organizations. I was told I had more to confess, but I didn’t. I told him so and he asked what kind of weapon I used. I told
him a Toshiba camera. I never carried weapons. He told me he didn’t want these confessions. He said I was carrying weapons. I refused to admit that and they broke my ribs.

PROSECUTOR 2—Then what happened?

WITNESSS 3—They said it didn’t seem that I wanted to confess, but they said I would, I would confess or they would kill me. That was the end of the first interrogation.

PROSECUTOR 2—There were more interrogations.

WITNESSS 3—Yes.

PROSECUTOR 2—What happened during those interrogations?

WITNESSS 3—During one interrogation they burned me with cigarettes. They put them out on my legs. I have four scars on my left leg and five on my right. They poured water on me and shocked me with wires and prods. To end this abuse, I gave up the names of friends. But I told them only the names of friends I knew had already been killed.

PROSECUTOR 2—Was that all?

WITNESSS 3—No. Another time they handcuffed me and hung me by my handcuffs, 16 inches off the ground. I felt like the handcuffs were sawing my hands off. I stayed like that, hanging, for more than half an hour. I started screaming. They shoved a military boot in my mouth and told me I could bite on that instead of scream. They said they wanted the confessions. They said I was carrying weapons. I lied and I agreed that I had been armed with a hunting rifle. They said it was a Kalashnikov. I said no. Then they stripped me naked. They put a clamp on my penis and tightened and squeezed. They asked if I would admit to having a Kalashnikov or if they should cut my penis off. I relented. The torture escalated until I confessed everything they wanted me to. A man penetrated me with a pole from behind. The things that happened to me, you can’t imagine. The brain cannot imagine. After this torture, I was urinating blood. I was eventually sent to Hospital 601.

PROSECUTOR 2—What happened at Hospital 601?

WITNESSS 3—I was told to forget my name. I was told my name was 1858. I was told to repeat my name, to learn my new name and repeat it. The hospital wasn’t a hospital, it was just another place to die, another slaughterhouse. I went to use the bathroom and there were three dead bodies on the floor, stacked on top of each other. I closed the door and opened another bathroom, but there were two bodies inside. I felt like I was going crazy and I was only there for five days. Early on, I was warned not to volunteer for anything. One night, two drunken soldiers walked through the hospital asking who wanted medicine. Several detainees raised their hands. One soldier selected a prisoner and began hacking at the base of his skull with a sharp weapon. Eventually the spinal cord was severed from the head.

PROSECUTOR 2—Do you believe Bashar al-Assad knew what was taking place?
WITNESS 3—How could he not know? Hospital 601 is less than one kilometer from Assad’s palace.

PROSECUTOR 2—Do you know what happened to your nephews, the ones who were with you when you were apprehended?

WITNESS 3—No. I have so many family members missing and I don’t know if they are dead or alive. My nephews, my brother, my brother-in-law, all of them are unaccounted for. I also have many friends missing. My sister in Syria continues to ask military police for a death certificate for my brother and her husband, but they give her nothing.

PROSECUTOR 2—Nothing further from this witness. Thank you, Mr. Hamada.

JUDGE 3—The defense may proceed with this witness.

DEFENSE COUNSEL—No questions for this witness, Your Honor.

JUDGE 3—The witness may step down at this time.

(Witness 3 steps down)

PROSECUTOR 1—The prosecution calls Qutaiba Idlbi. (pronounce ka-TAY-ba ILL-bi)

(Witness 4 takes the witness stand)

BAILIFF—Please state your name for the record.

WITNESS 4—Qutaiba Idlbi. (pronounce ka-TAY-ba ILL-bi)

BAILIFF—Please raise your right hand.

(Witness 4 raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS 4—Yes.

PROSECUTOR 1—Please tell the Court a little bit about your background.

WITNESS 4—I am a Syrian. I am currently a Senior Consultant at Pechter Polls, LLC, in Arlington, Virginia. I work on policy and advanced education in the Middle East. I was detained twice by the Syrian government while I was studying at the International University for Science and Technology in Damascus. After I was released the second time, I fled the country. Since I left, I have supported numerous Syrian political and humanitarian efforts.

PROSECUTOR 1—Were you involved in protests in Syria?

WITNESS 4—I was. I was involved in the Arab Spring protests. I started to organize gatherings and actually recommended that we organize more for protests. Someone asked why I would want to do such a thing when Assad would likely shoot the protesters. I believed that the world wouldn’t allow Assad that kind of power to oppress people.
PROSECUTOR 1—What happened at the protests?

WITNESS 4—People were killed, or worse, detained.

PROSECUTOR 1—Why was detention worse than being killed?

WITNESS 4—Because when you are detained, you wish for death at every single moment.

PROSECUTOR 1—What led to you being detained in Syria?

WITNESS 4—The first time I was detained because I was delivering aid to a besieged area. They really took me because they were being cautious. They were curious why I was in the area when I am from Damascus. I was taken to Mezze Airport Base, a detention center.

PROSECUTOR 1—What happened there?

WITNESS 4—Upon arrival, a doctor reviews your body to evaluate your muscles and determine the level of torture you could withstand. Then you are taken to reception where you are surrounded and beaten. I was surrounded by seven individuals and beaten for five hours. This is the reception. They use wood and cables. They would electrocute me. They do this so that when the interrogator comes, it’s not a waste of time. They would ask general questions. I had to be careful not to mention names of anyone. Even if they were not involved in anything, I was careful not to mention their names.

PROSECUTOR 1—Were you held with others?

WITNESS 4—I was; I was held with about 40 others. I was probably the only one there for a specific reason, in my case because I was bringing aid to a besieged area. Others were there because their name was similar to someone the government was looking for. Some had nothing to do with anything, just that they had fought with security at a checkpoint.

PROSECUTOR 1—Why were you released?

WITNESS 4—I was released after 10 days because I didn’t confess under torture, so they figured I had nothing to do with anything. They punished me enough that they believed if I had done anything, I wouldn’t do anything again.

PROSECUTOR 1—What about the second time you were detained?

WITNESS 4—I was picked up because of my communications with foreign media. The government accused me of spying for international agencies. This time was really different. They tried to capture my little brother as leverage to torture me more. I was held in solitary confinement for 15 days. I was convinced I was never leaving. My family managed to get special presidential amnesty.

PROSECUTOR 1—What did you do next?

WITNESS 4—My brother and I fled to Lebanon.

PROSECUTOR 1—No further questions for this witness.
JUDGE 3—Defense counsel, please proceed.

DEFENSE COUNSEL—Did you ever see Assad, where you were allegedly held?

WITNESS 4—No.

DEFENSE COUNSEL—Do you have any knowledge of who ordered you detained?

WITNESS 4—The Syrian government.

DEFENSE COUNSEL—Did you see any orders for your detainment?

WITNESS 4—No.

DEFENSE COUNSEL—No further questions.

JUDGE 3—Anything further from the prosecution?

PROSECUTOR 2—That concludes the prosecution’s examination in chief. The prosecution rests.

JUDGE 1—The defense may present its case at this time.

DEFENSE COUNSEL—The Defense calls the accused, Bashar al-Assad.

(Defendant takes the witness stand)

BAILIFF—Please state your name for the record.

DEFENDANT—Bashar al-Assad.

BAILIFF—Please raise your right hand.

(Defendant raises right hand)

BAILIFF—Do you swear to tell the truth, the whole truth, and nothing but the truth?

DEFENDANT—Yes.

DEFENSE COUNSEL—Please provide the court with a brief background about yourself and your role in the Syrian Government.

DEFENDANT—I am the President of Syria. I was born on September 11, 1965. I am the son of the late President, Hazef al-Assad, and Anisa Makhlouf al-Assad. I was born in Damascus and entered into medical training because my brother, Basel al-Assad, was being groomed for the presidency. Due to my brother’s unfortunate death in a car accident, my father chose to recall me from my training to prepare me to become president.

DEFENSE COUNSEL—Were you elected to your position?
**DEFENDANT**—Of course I was elected. I was elected in 2000 and then re-elected in 2007 and in 2014. In 2000 and 2007 no one ran against me. In 2014, I was re-elected in a multi-candidate direct presidential election.

**DEFENSE COUNSEL**—President al-Assad, you have been present to hear the charges and allegations against you by the Prosecution’s various witnesses?

**DEFENDANT**—Yes, these accusations are outrageous. My government and I have done nothing wrong. I have only ever protected my country from those who are causing disruption and chaos.

**DEFENSE COUNSEL**—You’ve seen the photographs allegedly taken in Syria. Where do you believe these photographs came from?

**DEFENDANT**—I don’t know. These photographs haven’t been verified. I believe they are fake propaganda, they are fake news.

**DEFENSE COUNSEL**—Why do you believe they are fake?

**DEFENDANT**—Who took the pictures? Who is this Caesar? Nobody knows. Even here his identity is kept secret. There is no verification of any of this evidence; it’s all allegations without evidence.

**DEFENSE COUNSEL**—What do you say regarding the allegations of policies authorizing detainment without cause?

**DEFENDANT**—Without cause? My country has only ever detained criminals. We have been securing our country by incarcerating those who deserve incarceration, who have committed crimes and who warrant detainment.

**DEFENSE COUNSEL**—Have there ever been policies authorizing torture of prisoners to obtain false confessions?

**DEFENDANT**—Never. I would never have authorized such behavior.

**DEFENSE COUNSEL**—Have you ever authorized the use of chemical weapons?

**DEFENDANT**—No, Syria’s military has never used chemical or toxic substances. We have not used them anytime or anywhere and we will not do so in the future.

**DEFENSE COUNSEL**—Why do you think these allegations were made?

**DEFENDANT**—I believe the West has unwarranted concerns about my being in power. For some reason they are threatened by Syria and have made up this fake news, these fake stories, in order to justify their attacks on my country.

**DEFENSE COUNSEL**—Are you saying that these allegations are all fabricated?

**DEFENDANT**—They have not even demonstrated that an attack even happened. This is not clear. There is a lot of fake news, fake videos now. We don’t know whether those dead children were killed in Khan
Sheikhoun (pronounce con she-COON). The children they alleged to have seen – were they even dead at all?

DEFENSE COUNSEL—President al-Assad, are you denying all the charges and allegations against you?

DEFENDANT—I am, absolutely.

DEFENSE COUNSEL—No further questions.

JUDGE 1—Prosecutor, you may proceed.

PROSECUTOR 2—Yes. Thank you, Your Honor. Mr. Assad, you understand that the photographs taken by Caesar have been verified, that family members have identified deceased individuals from the photographs and they coincide with family members who have been detained by your government?

DEFENDANT—No, these photographs are funded by rebel groups and the West. They say an anonymous source, but there is no legitimate source. So nothing is proven. The pictures are not clear which persons they show. They’re just pictures of a head, for example, with some skulls. Who said this is done by the government, not by rebels? Who said this is a Syrian victim, not someone else? For example, photographs published at the beginning of the crisis were taken from Iraq and Yemen. There is no connection to my government.

PROSECUTOR 2—So you’re saying Mr. Wiley is wrong?

DEFENDANT—Yes. Mr. Wiley is from the West. They are perpetrating this fake news for political advantage.

PROSECUTOR 2—And you’re saying Mr. Hamada is lying?

DEFENDANT—These are fabrications.

PROSECUTOR 2—And Mr. Idlbi?

DEFENDANT—I know nothing about what he is saying. These are more fabrications. He’s colluding with the West.

PROSECUTOR 2—that is all.

JUDGE 1—The defendant may step down and return to his seat.

(Defendant steps down)

JUDGE 1—Anything further from the Defense?

DEFENSE COUNSEL—The Defense rests.

JUDGE 1—Very well. We will take a recess and return with our verdict. Mr. Assad, we will be determining whether you are guilty or not guilty of the crimes for which you have been charged. The Bailiff will be entrusted with your care and control until we have rendered a verdict.
BAILIFF—All rise.

Judges: you will be making a determination as to the guilt or innocence of Bashar al-Assad on each of the three counts against him. Your verdict as to each count must include a full and well-reasoned statement as to the Defendant’s guilt or innocence. To find the Defendant guilty of any count, you must find that the Prosecution proved his guilt beyond a reasonable doubt.
Bashar al-Assad Trial Verdict Form

**Count 1. Genocide.** Acting with intent to destroy, in whole or in part, a national, ethnic, racial or religious group by: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

<table>
<thead>
<tr>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the charge listed in Count 1, we find the Defendant <strong>Bashar al-Assad</strong></td>
<td></td>
</tr>
</tbody>
</table>

Rationale:

**Count 2. Crimes Against Humanity.** Committing acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack by: murder, extermination, deportation or forcible transfer of population; imprisonment; torture; rape or any other form of sexual violence of comparable gravity; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance of persons; and other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

<table>
<thead>
<tr>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the charge listed in Count 2, we find the Defendant <strong>Bashar al-Assad</strong></td>
<td></td>
</tr>
</tbody>
</table>

Rationale:
Count 3. War Crimes. Committing acts of murder; mutilation, cruel treatment and torture; taking of hostages; intentionally directing attacks against the civilian population; intentionally directing attacks against historic monuments or hospitals; rape or other forms of sexual violence; conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

<table>
<thead>
<tr>
<th>Guilty</th>
<th>Not Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

On the charge listed in Count 3, we find the Defendant Bashar al-Assad

Rationale:

Sentencing

The jury shall propose an appropriate sentence, based on the severity of the crimes committed, for the Defendant who has been found guilty of one or more counts.

Upon finding Defendant Bashar al-Assad guilty, we, the jury, recommend the following sentence for the Defendant to the Judge (write in appropriate sentence):
<table>
<thead>
<tr>
<th>Witness</th>
<th>Convincing?</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Caesar</strong>, Syrian police officer</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Bill Wiley</strong>, Executive Director of the Commission for International Justice and Accountability (CIJA)</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Mazen al-Hamada</strong>, Syrian protestor</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Qutaiba Idlbi</strong>, Syrian educational policy analyst</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Bashar al-Assad</strong>, Syrian President</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>
Members of the Press - Role Sheet

Members of the press observe the process and outcome of the trial, and then report on the proceedings to the public. The press has two important tasks: capturing the attention of the public with compelling and accurate headlines, and helping the public focus on key issues by highlighting the most significant parts of the trial.

Take notes here. **Underline the key issues** of the trial and its outcome, and as you come up with them, **circle your ideas for eye-catching headlines**. Be prepared to share these in the Post-Trial Discussion.
1. Discuss your reaction to the jury’s verdict

2. Other general reactions
   - Did you feel empathetic toward the defendant?
   - How did those of you playing the judges and the medial feel?

3. Denialist testimony
   - How did it make you feel to hear that testimony?
   - What are some of the consequences of having denialist testimony included in a trial transcript?

4. Was justice done?
   - Where is justice?
     - Did it occur at the micro level (murder trial)?
     - Did it occur at the macro level (global scale)?
       - During the Holocaust, only 1% of the perpetrators were brought to justice. In Rwanda, thousands of perpetrators were released or never prosecuted.
Additional References

ARMENIA

The Promise
This 2016 American historical drama film explores love and rivalry in the face of conflict, exposing the truth in the face of injustice, and the unity required to save victims of genocide.

Armenia: The Betrayed (view documentary online here)
A 42-minute BBC documentary on the history of the Armenian genocide as well as current concerns, including the ongoing refusal of the Turkish government to acknowledge the conflict as a genocide.

The Armenian Genocide: 90 years later
A film by the University of Minnesota’s Center for Holocaust and Genocide Studies and Twin Cities Public Television commemorating the 90th anniversary of the the Armenian genocide with a historical overview of the events that led to the genocide and the aftermath.

A Wall of Silence – The Unspoken Fate of the Armenians
A 54-minute film on the lives of two Armenian scholars – Turkish scholar Taner Akcam and Armenian professor Vahakn Dadrian – and the issue of Turkey coming to terms with its violent past.

THE HOLOCAUST

Nuremberg: It’s a Lesson for Today
This courtroom drama is the official film on the first Nuremberg trial. Since this trial was extensively documented aurally and visually, Nuremburg recreates the trial by using four counts of the indictment.

Europa, Europa (view trailer here)
Based on a true story, this is the story of a young Jewish boy orphaned in the early days of World War II. He is mistakenly labeled a war hero and joins the Hitler Youth to conceal his identity.

From Swastika to Jim Crow (view trailer here)
This story of German refugee scholars who found solace at historically Black colleges in American South.

Imaginary Witness (view trailer here)
This documentary examines Hollywood representations of the Holocaust and the impact these films have had on public perception.
**Into the Arms of Strangers** (view trailer [here](#))
This Academy Award Winning film tells the story of over 10,000 child refugees who were sent to Britain to escape Nazi Germany.

**Life is Beautiful** (view trailer [here](#))
The story of a Jewish man who marries an Italian woman. Upon the German invasion of Italy, he must protect his son from death in a concentration camp and uses his wit and humor to do so.

**Night and Fog** (view excerpts from the film [here](#))
This documentary was filmed in 1955 in several concentration camps in Poland and gives a stunning recollection of both the camps and man’s inhumanity.

**The Pianist** (view trailer [here](#))
The fictional story of a talented pianist, a Polish Jew, as he faces the harsh reality of life inside the Warsaw ghetto during the Holocaust.

**Schindler’s List** (view trailer [here](#))
The compelling story of a greedy German businessman who saves thousands of Jewish lives from the Nazi concentration and death camps in Poland.

**Shoah** (view trailer [here](#))
At a stunning nine and a half hours, this documentary, through interviews with survivors and perpetrators, tells the details World War II and the Holocaust. Eleven years in the making, the film pieces together a gruesome and honest picture of the Holocaust.

---

**RWANDA**

**The Uncondemned**
This documentary drama recounts the 1997 trial of Jean-Paul Akayesu as lawyers and activists fought to prosecute rape as an international war crime for the first time in history.

**Ghosts of Rwanda** (view trailer [here](#))
This documentary includes interviews with key government officials and witnesses to the genocide. It highlights the failures in government and intervention that allowed over 800,000 victims to be slaughtered in 100 days.
Hotel Rwanda (view trailer here)
The dramatized story of hotel manager Paul Rusesabagina, as he harbored more than a thousand Tutsi refugees from the Hutu militia in 1994

DARFUR

Darfur Diaries (view documentary clip here)
Three independent filmmakers tell the stories of the people living through the Darfur genocide in Darfur, Sudan and eastern Chad.

Darfur Now (view trailer here)
This film looks at the Darfur genocide through the experiences of and action by six people – a UCLA graduate, a Darfuri woman working for Sudanese rebels, Chief Prosecutor for the International Criminal Court, a United Nations humanitarian, an actor, and a community leader in Darfur refugee camps.

The Devil Came on Horseback (view trailer here)
The story of Brian Steidle, a former U.S. Marine Captain who witnessed the Darfur genocide as an official military observer, unable to stop the violence being perpetrated against Darfurians. Outraged at the inaction of the United States government and the world, Steidle resigns and returns to the United States to use his photographs to expose the horrors in Darfur.

God Grew Tired of Us (view trailer here)
The story of four Sudanese boys' journey wandering the sub-Saharan desert for four years in search of safety and their subsequent journey to America.

A Journey to Darfur (view trailer here)
A short documentary that details journalist Nick Clooney and son George Clooney's unannounced journey to the Darfur region of Sudan, including the extreme violence they encounter and a brief background on the conflict.

The Lost Boys of Sudan (view trailer here)
A documentary about two boys, orphaned as a result of a civil war, and their journey from Africa to America.
SYRIA

**The Age of Consequences**
This documentary explores climate changes through the lens of national security and global stability. The film specifically relates climate change to the conflict in Syria and explains the intersection of climate, societal tension, and conflict.

**The White Helmets**
A film about the first responders, known as The White Helmets, who risk their lives to save Syrian civilians after daily airstrikes.

**Salam Neighbor** (view trailer [here](http://example.com))
This documentary follows two American men who live in a refugee camp for a month. It epitomizes the struggle that Syrian refugees face when arriving in camps like Zaatari in Jordan.