Justice, the process or result of using laws to fairly judge and punish crimes and criminals, is a noble ideal and critical in civilized society. Judges and juries determine punishments to fit many offenses, and justice can be reached for certain crimes with punishments, such as community service, jail time, or death. After genocide is committed anywhere in the world, the leaders who discover it attempt to execute justice by punishing the perpetrators according to the rules of international law. This is necessary and praiseworthy; however, it is impossible for true justice to be fully implemented in the aftermath of genocide.

Genocide is a deliberate and systematic extermination of a specific racial or ethnic group or of innocent civilians. In the past two centuries, millions of people have been murdered in numerous cases of genocide. Some examples of genocide in the twentieth century have horrified the world. In 1915, approximately one and a half million Armenians and other minorities were murdered by the Ottoman Empire. In 1975, Cambodians faced the threat of genocide as the Khmer Rouge took control and killed almost two million innocent civilians. The most famous example of genocide, due to its scope, methods, and success in civilized society was the Holocaust, in which six million Jews and several million people from other minority groups were mass murdered in the 1930s and 40s by the Nazis, led by Chancellor Adolf Hitler of Germany. One of the fastest cases of genocide, committed in a period of only 100 days was in Rwanda in 1990, where 800,000 people were systematically killed.

Following acts of genocide, world leaders have attempted to seek retribution against the perpetrators of the crimes. The offenders have been brought to world courts, and tried in order to mete out punishments for the murders and accompanying offenses. An example of such proceedings was the case against Ephrem Setako following the Rwanda Genocide. Setako was a high-ranking officer in the Rwandan army who encouraged, helped, and trained soldiers to fight and kill the Tutsi minority dwelling in Rwanda. He also prevented Tutsis from escaping and then
planned and incited attacks upon the Tutsi minority. Setako was captured and tried before the International Criminal Tribunal for Rwanda and accused and convicted on six counts including those of genocide, crimes against humanity, and war crimes. Therefore, the International Criminal Tribunal for Rwanda sentenced Setako to 25 years in jail.

One must wonder if a punishment of 25 years in jail is truly justice. Even if the offender received a just trial, in which he was fairly punished, it does not seem possible that Setako’s jail sentence is a fair punishment for all he committed. Thousands of people died as a result of his efforts, and the people who survived were emotionally destroyed, yet his life continues in jail. Although criminals must be brought to trial so that there is a punishment and reckoning for their actions, it does not seem fair to the victims that the 25 years would be an equal punishment for the deaths of thousands of people, the loss of future generations of this tribe, and for the trauma of the survivors.

In addition to the deaths involved in any genocide attempt, the long-term effects that it causes the survivors can be debilitating. Often the survivors are unable to recover physically or emotionally from their experiences. Most people who live through these horrors suffer from physical illnesses due to the torture and malnutrition that they miraculously survived. The victims also suffer from emotional disorders after witnessing relatives’ deaths and experiencing their own confrontations with death. This emotional trauma leads to great suffering even if the physical illnesses have healed, for nothing can fully remove this pain from the mind of the victim.

A second example of world leaders attempting to bring justice upon the perpetrators of genocide followed the Cambodian Genocide. The leader of the Khmer Rouge, Saloth Sar, also known as Pol Pot, led the campaign to murder many innocent civilians in Cambodia. Sar formed the Khmer Rouge, a group with a communist ideology, to oppose the new government that had taken over following a coup. He quickly took control of Cambodia and formed a dictatorship focusing on eliminating any threats to his regime. Anyone who was Vietnamese, had connections with Vietnam, or was religious, was persecuted. People were sent to labor camps where disease and starvation were rampant. As the camps filled up, Sar began to murder anyone who opposed him; men, women, and children were all at risk. When the Khmer Rouge was overthrown, Sar went into hiding to escape retribution. However, the People’s Revolutionary Tribunal, which was
set up to try those involved with the Cambodian Genocide, tried Sar in absentia and found him guilty on eight counts including forced evacuations, barbarism, and mass murder. He was sentenced to death in absentia but this punishment was not accepted internationally. The Cambodians then reached out to the United Nations to try Sar again, but Sar died while under house arrest for other offenses before any action was taken.

In this case, although there was an attempt of retribution against Sar, even the attempt to bring him to trial in person failed. Although it was necessary to perform a trial to show the world that genocide is unacceptable and requires punishment, it is impossible to say that this was justice. Some might even say that it was a mockery of justice. In addition to the fact that the perpetrator was not actually put on trial in person, he never received a punishment for the genocide that he committed. Had he received a punishment it could not be enough to be called justice, a fair reckoning, for the thousands of lives he ended, the families he destroyed, and the sickness and illness he caused. There does not seem to be any punishment in this world that is far-reaching enough to adequately avenge the pain and suffering of the survivors, the deaths of the victims and the families and generations that could have been born in that population had they not been murdered.

A third and very famous example of a genocide trial was the trial of Adolf Eichmann in Israel. Eichmann was a high-ranking official in the Nazi party and in this position he facilitated the deaths of millions of Jews throughout Europe during World War Two which was provoked, planned and fought by Adolf Hitler, the chancellor of Germany. Following Hitler’s government takeover in the early 1930s, Hitler promoted the idea of the superiority of the Aryan race and the inferiority and danger of the proliferation of the Jewish race. Hitler and his government officials created propaganda to convince the public that the Jews were the reasons for their problems and quickly turned most of the German nation against their Jewish neighbors. He instituted laws against Jews excluding them from professional and public life, forbidding religious practice, and isolating them as Jews. Kristallnacht, the Night of Broken Glass, in November 1938, brought the anti-Jewish sentiment to a new level of danger.

In 1939, Hitler began World War Two and the war against the Jews immediately after he conquered Poland. He started the policy that he later implemented in every country he conquered, that of confining Jews to ghettos. Ghettos were instituted to gather as many Jews as
possible to one location, to demoralize and humiliate them, and to facilitate deportation to concentration camps later in the war. Life in the ghetto was unbearable because starvation, disease, and death were part of the Jews’ daily existence. However, as Nazi Germany conquered more countries, it switched its policy concerning the Jews. Hitler directed his top officers to determine a final solution to the Jewish problem and to annihilate them. Towards the beginning of the campaign to murder the Jews, the Nazis gained control of an area, rounded up Jews, shot them, and buried them in mass graves. Later, to make the killings more clandestine and more efficient the Nazis developed death camps. Thousands of people were shipped to death camps in cattle cars and killed daily in the infamous gas chambers using Zyklon B gas.

The tragedy of the Holocaust caused a severe decline in the Jewish population in Europe. Approximately 67 percent of the European Jewish population was exterminated due to the genocide perpetrated by Nazi Germany. In addition to the numbers of people killed, the generations that could have lived and thrived were also prevented from existing due to the victims’ untimely deaths. The suffering that the Nazi officers caused along with the non-Jewish population’s willingness to kill Jews or turn them in to the Nazis shocked the world.

Hitler and many high ranking Nazis either committed suicide or otherwise died before being captured. However, Adolf Eichmann escaped to Argentina at the end of the war. Eichmann oversaw the deportations of thousands of Jews from many European countries under Nazi control to extermination camps, which had been built under his command. Eichmann also contributed to the genocide method used against the Jews – the gas chambers. He was entrusted with the job of carrying out the Final Solution against the Jews, and later in the war, when he was told not to murder using gas anymore he continued to do so on his own volition. Due to Eichmann’s work constructing death camps and developing the gas chambers, millions of Jews were murdered in the death camps and mobile extermination units.

In 1960 Israeli intelligence agents captured and brought Eichmann to Israel for trial. He was indicted on 15 counts including crimes against humanity, against the Jewish people, and for being part of the Nazi party. He was found guilty for his crimes and was hanged.

Although Eichmann was punished for his crimes, and deserved to die, his punishment was not large enough to be full retribution for the genocide he committed. His one death could
not be full reprisal for the deaths of six million Jews. Included in Eichmann’s crimes were the suffering of millions and the loss of future generations. The punishment of death by hanging was insufficient for these crimes. Even death cannot be considered justice, or a fair punishment, for someone who had committed genocide because it does not include all of the suffering and barbarism that Eichmann perpetrated.

Despite the importance of an honest judicial system that tries criminals for their offenses, justice according to its definition cannot be reached in world courts following genocide. Though it is imperative for the world to realize that there is retribution for every crime, no matter how high ranking the offender, any civilized punishment for perpetrating genocide cannot be considered justice. Although the criminals may be judged fairly, civilized courts cannot torture the offenders as they tortured their victims. Though justice cannot be truly achieved, the victims’ deaths and survivors’ suffering may be a lesson for all people in future generations who will learn to protect others from genocide. As the survivors rebuild and nurture loving families, they avenge the deaths of those they lost and in this way they achieve a measure of closure to replace the justice that can never be achieved.

Bibliography


