Tangibility of Justice After Genocide

Justice in many cultures is defined in stone as a woman standing tall holding a scale and a sword. Many courthouses bear this figure, giving it the name ‘Lady Justice.’ This well known statue is also blindfolded in all of its iconographies. The blindfold symbolizes a theory known as ‘blind justice’, where one would be judged based on the sustained weight of evidence instead of discrimination. Given that, the matter at hand is whether or not Justice is able to be sustained in the aftermath of genocide. The answer is a colossal gray zone due to the flexible definition of true ‘Justice’. However, if we use the model of Lady Justice as our definition we can truly see in history how justice in genocide is not a certainty by any means.

1941 was an unprecedented year of hatred in a previously war torn and bloody corner of Europe; Southeast Europe. In Croatia on April 17, the Croatian fascist dictator Ante Pavelić passed an act called *The Law on the Protection of the People and the State*. This act would allow the ruling regime at the time, the Ustaše, to punish or kill anyone they see fit. The day after, the first antisemitic law in Croatia, the *Aryanization of Jewish Property*, was created. Months later, Pavelić’s intent was summarized by Hitler’s Balkan political expert Hermann Neubacher as, “The Prescription for the Orthodox Serbs issued by the leader and Führer of Croatia … One third must be converted to Catholicism, another third must be expelled, and the final third must die” (Trifkovic 119).

Following the creation of the anti-Serb and antisemitic laws of 1941, religion had a substantial impact on the fate of those persecuted groups in Croatia. The victims were forced to either convert to Catholicism or die. On the subject of religion, the Catholic press supported the laws, stating them as necessity for “the survival and development of the Croatian nation.” This set the background for the systematic eradication of Serbs either immediately, or at death camps. The Yad Vashem International School for Holocaust Studies in Jerusalem reports “More than 500,000 Serbs were murdered in horribly sadistic ways (mostly in the summer of 1941), 250,000 were expelled, and another 200,000 were forced to convert to Catholicism.” (Yad Vashem 2005)
The main perpetrators of this crime, Ante Pavelić and his minister of justice Andrija Artuković, both faced very minimal consequences. Ante Pavelić fled the country after the Allies victory in 1945 to Italy, where he was allegedly sheltered by the Vatican. He would then flee to South America and in 1957, where a Serbian patriot would attempt to assassinate him. He succumbed to his wounds 2 years later. Artuković however was declared a war criminal in 1945 before leaving to America. In 1951, Yugoslavia requested his extradition so that he may be prosecuted. That request was denied in 1959 by Theodore Hocke. It would not be until 1986 that he would be tried and found guilty by the United States Department of Justice, sentencing him to death and describing him as one of the "ruthless murderers, who under the cover of 'protecting purity of race and faith' and with the aim of realising their Nazi-Fascist ideology, [...] killed, slaughtered, tortured, crippled, exposed to great suffering, and persecuted thousands and thousands of people, among whom were women and children." (Abtahi & Boas 267). He died two years later of natural causes.

Justice wasn't ever sincerely served in the case of the genocide of Krajine Serbs and Jews in the Balkans. As stated previously, the US Commissioner Theodore Hocke was the only obstacle standing between the ascertaining of true justice when he denied extradition requests from the Yugoslavian government on the basis that “no reasonable cause to believe Artukovic guilty of the crimes charged.” (Jewish Telegraphic Agency 1959). That court ruling may have been one of the most monstrous affronts to Justice in the United States in the 20th Century, where it was expected for humans to be above such petty acts. As a result, this established the belief of United States courts to simply be apathetic to war criminals who were being harbored in their borders. However the backlash and response to the Artukovic case did not go unnoticed, “The World Jewish Congress and Yugoslav Jews now residing in Israel took great interest in the Artukovic case. They charged that he was among the most extreme Nazi collaborators and personally active in the persecution and murder of Yugoslav Jews.” (JTA 1959). If Artukovic was truly innocent and Hocke knew it, then why would there be so many Yugoslavians calling for his death as the deaths he has wrought upon many men, women, and children? It is highly improbable that such a large amount of Serbs would simply witch hunt one man across the globe, proving the fact that justice is not always obtainable after genocide.

In conclusion, justice has not been obtained after this specific genocide. There are plenty of others where a verdict was reached and true justice was met, but our definition of justice went
by the theory of ‘blind justice,’ where justice should've been met without any road blocks by prejudice and hate. This was certainly not the case in the Balkans, as well as the delay of judgement to those who have done such horrible things. These horrendous acts were done by figures of authority germinating their general populace with hate. This is not new, as hate is the tool that many perpetrators of murders and genocide use and have used, such as Adolf Hitler or Abdul Hamid II. As a result it is clear that justice can be achieved in the aftermath of genocide, but that is completely up to the responsible individuals in judicial rulings.

Works Cited