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# Editors' Introduction

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In this general issue of *Genocide Studies and Prevention*, the editors are pleased to present a diverse collection of articles. These include a critical examination of the issue of intent in the punishment of genocide and an assessment of the effectiveness of the United Nations Office of the Special Adviser on the Prevention of Genocide. Two articles consider justice in Rwanda, one advocating the wider application of restorative justice approaches and the other examining the construction of memory within the context of transitional justice. The final two articles explore the use of testimonials in teaching about genocide, and the manner in which the Armenian genocide was perceived in Sweden.

In "The Issue of Intent in the Genocide Convention and its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach," Katherine Goldsmith challenges the prevailing and restrictive definition of genocidal intent, defined as *dolus specialis*, or clear, specific, and explicit intent. She argues that such an approach mitigates efforts to both prevent and punish genocide. In addition, based on her examination of Raphael Lemkin's writings and of documents concerning the framing of the United Nations Genocide Convention, she maintains that such a restrictive approach was never the aim of either Lemkin or the drafters of the Convention. To restore the concept of intent to what she argues was originally envisioned, Goldsmith advocates a knowledge-based approach that is centered more on inference from actions than on specific statements from perpetrators. Under this approach, an individual who commits an illegal act with the knowledge that it forms part of a larger plan to destroy a group would be guilty of genocide. Such an approach, she contends, would facilitate convictions for genocide, serve as a deterrent to those who would otherwise engage in such acts, and realign the interpretation of intent with the original views of both Lemkin and the framers of the Convention.

Aidan Hehir explores the efficacy of the United Nations office that is responsible for detecting and preventing genocide in "An Analysis of Perspectives on the Office of the Special Adviser on the Prevention of Genocide." Hehir highlights the political and diplomatic dynamics that shape and limit the utility of the office. Some of these strained dynamics are within the United Nations itself, from which the Special Adviser obtains most of his information. In practice, this has often been difficult, as various offices are sometimes reluctant to provide information, often for reasons of bureaucratic territoriality. In addition, the Special Adviser can only make public statements with the support and approval of the Secretary-General. To the problematic issues of bureaucracy and institutional politics is added the inherently difficult, and somewhat paradoxical, nature of the Special Adviser's work. Success is hard to evaluate as the office is oriented toward preventing events from happening. In addition, the focus on a low-key diplomatic approach often results in recommendations that are not recorded, or heeded. Hehir concludes that the Office would be more effective with a more aggressive and public approach to preventing genocide, and he calls for the Special Adviser to have the right to address the Security Council. Important as these recommendations are, they would not solve the many problems facing

the Special Adviser, such as bureaucratic intransigence, unwillingness of nations to exercise political will, and the inherently advisory nature of the Office.

In "Reconciliation and Justice after Genocide: A Theoretical Exploration," Geneviève Parent challenges the primacy and efficacy of retributive justice in post-genocide contexts. Using Rwanda as an example, she argues that punitive justice, and especially the *gacaca* courts, provide little more than the illusion of either justice or a victim's psychological healing. Instead, their adversarial nature not only reinforces and perpetuates historic divisions and animosities, but also further victimizes those who have suffered loss. The situation is further complicated by ambiguities concerning victim/perpetrator status, most pronounced among those of mixed ancestry. In lieu of punitive justice, Parent advocates the application of restorative justice, where, on the basis of an acknowledgment of suffering, all parties endeavor to view events and conditions from the other's perspective and generate momentum toward mutual understanding and, ultimately, forgiveness and cooperation. These goals reflect the social and psychological emphases of restorative justice, and its ultimate aim of restoring the humanity of all those involved in genocidal conflicts.

Elisabeth King, in "Memory Controversies in Post-Genocide Rwanda: Implications for Peacebuilding," focuses on the context in which transitional justice takes place, and specifically the construction of memory about the Rwandan genocide. Based on her extensive field interviews, she contrasts the diversity of survivors' accounts and experiences with the much more constricted presentation of memory by the government in the Kigali Memorial Center and in school textbooks. Seeking to bolster government legitimacy, Hutu accounts of victimhood, and of heroic actions of Hutus saving Tutsis are almost entirely excluded from the official memory. Similarly, Tutsi experiences of conscription into then-rebel forces and the predicament of those of mixed ancestry are also denied recognition. While such selective perception and construction of historical memory reinforces government legitimacy, at least in the short term, King argues that it undermines the longer process of reconstructing the social fabric of the nation by failing to acknowledge the diversity of experiences and suffering during the genocide.

The efficacy of using first-hand accounts to teach about rape-as-genocide is explored by Kimberley Ducey in "Dilemmas of Teaching the 'Greatest Silence': Rape-as-Genocide in Rwanda, Darfur, and Congo." The section of her class that focuses on this topic is situated in the context of an upper-level undergraduate sociology course on comparative genocide. The unit on rape-as-genocide is theoretically framed in terms of the causes and effects of violence against women, and informed by an examination of the international law aspects of rape-as-genocide. It is within this context that Ducey introduces first-hand accounts, through testimonials, documentaries, and commentaries. The article offers testimonials by students that underscores the importance and impact of including the personal dimension of victims in the study of genocide. By doing so, students relate to and emphasize the individual dimension, thus adding a level of comprehension that goes well beyond statistics and facts. Readers who include or are considering including a course component on rape-as-genocide will find this article useful in terms of sources and structure.

Finally, in "The Armenian Genocide of 1915 from a Neutral Small State's Perspective: Sweden," Vahagn Avedian explores how the Swedish people and government perceived the Armenian genocide. While newspaper and missionary accounts offered differing and often competing perspectives and framed popular perceptions of events, dispatches from military and diplomatic sources further informed government officials. Unlike newspaper reports, which were generally second-hand information,

missionary, military, and diplomatic accounts came directly from the field and, as a result, are important primary sources and cover a considerable time frame. Ironically, although Sweden's neutrality enabled it to gather and disseminate important information on the genocide, it also eliminated the possibility of government action on behalf of the victims. The nature of official correspondence also evolved over time. With the arrival in 1920 of a new Swedish envoy to Turkey, Gustaf Oskar Wallenberg, the emphasis shifted from the humanitarian focus of his predecessor, Per Gustaf August Cosswa Anckarsvärd, to one centered on future commercial opportunities. With this, the sympathy for the victims of the genocide evidenced by Ambassador Anckarsvärd was eclipsed by a current of Armenian denigration. Not only does this study offer a new perspective on the Armenian genocide, it also implicitly raises the question of the limits of the value of neutrality in the face of genocide.

We hope that this diverse collection of articles will both foster a better understanding of, and stimulate further debate concerning, genocide.

*Nicholas Robins*  
*Co-editor*

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# The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach

Katherine Goldsmith

*Since the Genocide Convention was created in 1948, its effectiveness has been hindered by debates on what the definition actually means. It has been widely accepted that the meaning of “intent,” within the Genocide Convention, refers to specific or special intent, *dolus specialis*. However, as more trials have taken place, creating more understanding of the crime of genocide, the linking of *dolus specialis* with the intent definition, that was so easily accepted at the first genocide trial (Akayesu at the International Criminal Tribunal for Rwanda [ICTR]), has been repeatedly put into question. The new approach being put forward as the most appropriate interpretation of “intent” is the knowledge-based approach. The Vienna Convention on Treaties states that interpretations of laws should follow the treaty’s original purpose and objective, and should do this by looking at the preparatory work and its circumstances. By looking at the Travaux Préparatoires of the Genocide Convention and Raphael Lemkin’s original writings on the subject, this article will discuss which approach fits the original intentions of both the drafters of the Convention and Lemkin himself, to determine which interpretation should be used in the future when considering the crime of genocide.*

*Key words: Genocide Convention, intent, Raphael Lemkin, Darfur, ICTR, ICTY*

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## The Origins of the Term “Genocide”

While studying at the University of Lvov, Raphael Lemkin, a twenty-one-year-old Polish Jew, came across an article on Soghomon Tehlirian. Tehlirian was an Armenian Genocide survivor on trial for the murder of Mehmet Talaat, one of the orchestrators of the Armenian Genocide, who had at the time escaped prosecution. “Lemkin asked [his professor] why the Armenians did not have Talaat arrested for the massacre. The professor said there was no law under which he could be arrested. ‘Consider the case of a farmer, who owns a flock of chickens,’ he said. ‘He kills them and this is his business. If you interfere, you are trespassing.’”<sup>1</sup> Finding this gap in international law intolerable, Lemkin began work on an international law proposal for this sort of crime.

Raphael Lemkin originally created two new international laws: “barbarity” and “vandalism.” These laws were presented to the Fifth International Conference for the Unification of Penal Law in Madrid in 1933,<sup>2</sup> in Lemkin’s absence. Because of travel visa problems and opposition from the Polish government, he could not attend. His proposal also referenced the discrimination taking place in Germany against the

Jews as a cause for concern. Although receiving little positive response from leaders, he continued to press for action on this issue.

Lemkin then became caught up in World War II. He escaped to Sweden in 1940, and then the United States in 1941. While documenting his findings on Nazi actions and laws imposed in occupied Europe, he continued lobbying the US government to take action to stop these atrocities. On hearing Winston Churchill's 1941 speech referring to the situation in occupied Europe as "a crime without a name," Lemkin realized that he needed to find the appropriate name for this crime.

In 1944, Lemkin's *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* was published containing the word "genocide" to describe the "crime without a name." Lemkin stated that genocide (from the Greek term for race or tribe, *genos*, and the Latin word for killing, *cide*,) was "the destruction of a nation or of an ethnic group."<sup>3</sup>

Genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. . . . Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.<sup>4</sup>

When World War II ended, the extent of the Nazis' atrocities was revealed and the Allies began discussing appropriate punishments for these crimes. The Nuremberg Trials were established, in 1945, with jurisdiction over three categories of crimes: "crimes against peace," "war crimes," and "crimes against humanity." Though genocide was cited in the indictments, the convictions reflecting the actions of the Nazis were regarded as crimes against humanity.

After the Nuremberg Trials, many were concerned with the gap in international law that meant the actions taken by the Nazis before the war, being out of the context of war, were not covered under the Nuremberg Charter. Lemkin consistently lobbied at the UN for a resolution on the crime of genocide. Due largely to his efforts, the United Nations General Assembly began discussions on whether genocide should be a crime under international law.

On 11 December 1946, the General Assembly Resolution 96(I) declared "that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable."<sup>5</sup> The General Assembly then referred the issue to the Economic and Social Council asking them to create a draft convention for the crime of genocide.

On 9 December 1948, less than two years after the General Assembly declared genocide a crime under international law, General Assembly Resolution 260(III)A unanimously adopted the Convention on the Prevention and Punishment of the Crime of Genocide, Article II of which defines genocide as:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>6</sup>

The UN Convention is highly important, as it is the key international law that creates a legal obligation for action in cases of genocide. Once a situation of genocide has been determined, under the rules of the Convention the “contracting parties” may refer the situation to the UN, which has the responsibility to act, in line with the purpose of the Convention, to prevent further atrocities and punish any already committed. Since the adoption of the Convention, the UN’s response has been paralyzed by legal debates about what the definition actually means, and whether a situation is or is not genocide, according to the definition in the Convention.

As stated above, the Convention was created to prevent and punish the crime of genocide. Although punishment is self-explanatory, genocide prevention can mean either preventing genocidal actions from ever taking place or preventing further atrocities once genocide has arguably begun. For the purpose of this article, it means the latter. It is worth pointing out that though action should also take place to stop other mass atrocities and crimes against humanity, these actions are more in relation to the first meaning (prevent genocide ever taking place). Genocide prevention, in the sense of prevention before it ever takes place, could in turn prevent many other atrocities when effective steps are put in place. At the early stages of genocide, for example, there are many acts that are crimes in their own right. Similarly, preventing other international human rights abuses, such as hate crimes, could in turn have a positive effect on preventing genocide. Because this article concerns prevention meaning preventing further atrocities once genocide has begun, it will not look at preventing other crimes. In addition, this article explores the Genocide Convention, so arguments around intent will be looked at in relation to the crime of genocide only.

In relation to Gregory Stanton’s “8 Stages of Genocide”,<sup>7</sup> once genocide reaches the seventh stage (extermination, where the systematic killing begins), in most genocide cases, the majority of killing happens early on. During the Rwandan genocide, for example, “about 80 percent of the victims died in a ‘hurricane of death ... between the second week of April and the third week of May’.”<sup>8</sup> Although there are many stages before the extermination stage, these earlier stages, as discussed, can show signs of crimes other than genocide. As the legal obligation lies with genocide, many have used this excuse (that these actions are not the beginning of the genocidal process but are a different crime altogether) for non-involvement in stopping the atrocities. Therefore, the possibility of preventive action is rarely, if ever, spoken of until mass violence has commenced. Once it is spoken of, this is where the problematic general conversations regarding genocide begin. It is crucial that preventative action take precedence over general conversations about genocide. A decision could be reached more quickly if the definition of genocide was clearer. One of the main difficulties with the definition concerns the element of “intent.”

The Genocide Convention, as stated above, simply reads, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a ... group, as such.” The type of intent required (e.g., *dolus specialis*, *dolus eventualis*, general, or knowledge-based) is not stated. This absence of a clear definition has resulted in much debate and arguably hindered the effectiveness of the Convention. Although there may be other reasons hindering action, the question surrounding the meaning

of “intent” comes up frequently, and if this barrier was removed, it would be one less obstacle preventing action, and one less excuse for states to use.

The people involved in international law come from different countries with different legal systems, which can cause problems. The different levels of “intent” vary from one system to another, creating conflict when determining what degree of intent is required for different international crimes, and whether a perpetrator is guilty or not. The type of intent regularly associated with genocide is the Romano-Germanic civil law term, *dolus specialis*. Recently, many scholars have argued that *dolus specialis* is too strict and that a knowledge-based approach should be adopted, which is more closely related to the intent required in a common-law legal system.

Specific intent (*dolus specialis*) will be discussed here first, along with the negative effect it has on genocide prevention and punishment. A knowledge-based approach will then be examined. Following this, in order to determine what the Convention means by “intent,” there will be an exploration of the discussions that occurred during the drafting of the Convention and of the reasons the Convention was originally created.

### ***Dolus Specialis* (Specific Intent)**

*Dolus specialis* “demands that the perpetrator clearly seeks to produce the act charged.”<sup>9</sup> In relation to genocide, it means the perpetrator commits an act while clearly seeking to destroy the particular group, in whole or in part.

Genocide has been dubbed the “crime of all crimes” and, for some, should require the highest form of intent. The UN International Law Commission (ILC), in the Draft Code of Crimes against the Peace and Security of Mankind commentaries (1996), states that a general intent would not be sufficient and that genocide “requires a particular state of mind or a specific intent with respect to the overall consequence of the prohibited act.”<sup>10</sup> Guenaël Mettraux continues this argument by stating that “genocide was adopted to sanction a very specific sort of criminal action. It would be regrettable to denature genocide for the sake of encompassing within its terms as many categories and degrees of criminal involvement as possible.”<sup>11</sup>

A prominent argument for the specific intent requirement is that *dolus specialis* is what separates the crime of genocide from other international crimes, e.g., crimes against humanity. This argument is put forward by many, including William Schabas, who states that “[w]hat sets genocide apart from crimes against humanity and war crimes is that the act . . . must be committed with the specific intent to destroy in whole or in part a national, ethnical, racial or religious group as such.”<sup>12</sup> Some argue that this distinction is very important as it holds genocide above crimes against humanity in relation to the seriousness of the crime.

*Dolus specialis* is seen by some as the only appropriate intent level for the crime of genocide, as allowing any lower form of intent would risk situations that result in the destruction of a group, with no intent of this destruction taking place, being wrongly seen as genocide. Within the same legal system as *dolus specialis*, the intent one level below is known as *dolus eventualis*. In relation to genocide, this means that the perpetrator knows that his/her actions *may* bring about the destruction of a group, but continues to commit these acts. Reducing the level of intent would mean that those not specifically intending the destruction of the targeted group could be open to convictions for genocide. *Dolus eventualis* is too low a level of intent for the severity of the crime of genocide; therefore, the only option for those in that legal system is to require *dolus specialis*. Another lower level of intent is general intent. This requires that the perpetrator intends to commit the killing, but not necessarily

to destroy the group. This term is also too low for the level at which the crime of genocide is held.

### **Problems with the *Dolus Specialis* Interpretation of the Convention**

Before discussing the movement for a knowledge-based approach, we need to consider why this movement arose. The main difficulty with *dolus specialis*, which has been argued for many years, is in obtaining actual proof, beyond a reasonable doubt, that the perpetrator's intention was to destroy the group, in whole or in part. Intent refers to a person's state of mind, a private thought process that, unless explicitly stated, is very difficult, if not impossible, to prove. Lawrence LeBlanc argues,

The most prominent argument on the notion of intent was advanced by Jean-Paul Sartre. Pointing out, quite correctly, that the Genocide Convention "was tacitly referring to memories which were still fresh," namely, to Hitler's "proclaimed . . . intent to exterminate the Jews," Sartre asserted that not all governments, including that of the United States, would be as stupid as Hitler's and proclaim such demonic intentions. . . . The *authors* of such a genocidal plan would not necessarily be "thoroughly conscious of their intention." This would be "impossible to decide. We would have to plumb the depths of their consciences. . . ." <sup>13</sup>

Cherif Bassiouni adds that

it is not difficult to think of a number of contemporary conflicts, such as those in Cambodia and the former Yugoslavia, where there is obviously no paper trail and where the specific intent can only be shown by the cumulative effect of the objective conduct to which one necessarily has to add the inference of specific intent deriving from omission. <sup>14</sup>

In terms of preventing further atrocities and stopping genocide, proving a perpetrator's state of mind is a massive problem. Perpetrators are fully aware that admitting what they are doing could interfere with achieving their objective. They are therefore unlikely to admit what their intentions are and thus risking possible action against them, especially if the objective of destroying the target group is still taking place.

### **Negative Effects on the Prevention of the Crime of Genocide**

One situation that highlights the controversy surrounding proving specific intent is Darfur, which turned into genocide in 2003. "Since it erupted in 1983, the internal conflict between the North and the South has had a significant impact on Sudan in many ways. It is the longest conflict in Africa involving serious human rights abuses and humanitarian disasters." <sup>15</sup> While the North and South were negotiating a peace agreement, Darfur, which is situated on the western edge of the country, was left behind. Due to resentment of the government by the Darfuris, an insurgency began against the government. Starting in late 2002, rebel military action began by targeting police offices and looting weaponry. After rebels briefly seized the Sudanese government's airbase in El Fasher in early 2003, the government responded ferociously. The government retaliated, but due to lack of equipment themselves, they recruited local tribes, mostly Arab, as proxy militias. The retaliation arguably went beyond simple counterinsurgency, with entire villages being attacked. Sudanese planes bombed villages, and then government troops and government armed militia (Janjaweed) entered the targeted villages, raping the women, killing people that were left, and polluting the water supply before burning the villages to the ground. (All of this is evidence shown in the UN Report, 2005).

The UN International Commission of Inquiry on Darfur was set up in 2004, to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.<sup>16</sup>

For the purposes of this article, the focal part of this report is the section determining whether genocide was committed in Darfur:

The Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity. The extensive destruction and displacement have resulted in a loss of livelihood and means of survival for countless women, men and children . . . The vast majority of the victims of all of these violations have been from the Fur, Zaghawa, Massalit, Jebel, Aranga and other so-called "African" tribes.<sup>17</sup>

The Commission's report was highly important, as this was the document that would determine the United Nations' position on Darfur. There can be no dispute that the evidence found by the Commission proved the *actus reus* of genocide. However, the Commission concluded that "the crucial element of genocidal intent appears to be missing; at least as far as the central Government authorities are concerned."<sup>18</sup> An examination of the evidence produced by the Commission shows that there are numerous points that they failed to take into account. The Commission failed to provide details regarding what would be necessary for genocidal intent to be proved. The Commission also failed to consider the decision taken at the Akayesu Trial, regarding intent being proven from actions. Furthermore, the Commission confused motive with intent, stating that "the intent was to drive the victims from their homes, primarily for purposes of counterinsurgency warfare."<sup>19</sup> Intent refers to the person's state of mind at the time of committing the crime. Motive, on the other hand, refers to what drives the perpetrator to commit their crime, why they did it, and proof of this is not required for conviction. The perpetrators intended to commit the prohibited acts (discussed in the Report) and kill a substantial part of the group; the motive behind this was to move the victims off their land. Regardless of motive, they still intended to destroy a substantial part of the group, and are, therefore, committing genocide.

This case also shows how unlikely it is that the perpetrators will express their true intentions. Although, the Commission said they found no genocidal policy, they were not allowed access to all military documents, which could have proved a genocidal policy and intent.

34 . . . In a meeting held on 9 November 2004 with Bakri Hassan Salih, Minister of Defence and other senior Ministry of Defence officials, the Commission requested access to records of the deployment of military aircraft and helicopter gunships in Darfur since February 2003. Again, the Commission undertook to treat such records confidentially. . . . However, a complete set of the records requests was never provided to the Commission.<sup>20</sup>

The following day, the Commission asked to see records, which they ensured would be kept confidential, of government instructions regarding actions taken by the armed forces against rebels and the civilian population in Darfur's three states.

First, Vice-President Taha ensured this would happen. The Commission was told by the governors of the three states that the minutes of these meetings did not exist, though the Commission had been informed by reliable sources that they did exist. The Commission received a general list of final decisions, but the Commission never saw complete documents.

The specific intention requirement has prevented the Convention from working effectively and five years after the Commission was first established, Darfur is still in a disastrous situation. Genocide has taken place in Darfur, as the evidence in the UN Report proves. Arguably, the decision came down to the issue of intent. A knowledge-based approach would have found genocide occurred and left it open for appropriate action to take place. As it stood, with Antonio Cassese heading the Commission, it chose to adopt a specific (*dolus specialis*) intent approach.

The Commission proved that the Sudanese government was recruiting and arming the Janjaweed, that there was a coordinated plan to target and destroy specific villages, and that the target group was identified as one protected by the Genocide Convention. The *dolus specialis* requirement meant the Commission was unable to establish that genocide occurred in Darfur, where at least 100,000 people had died at the time of the Commission's report. This seriously calls into question the appropriateness of the *dolus specialis* interpretation of the intent requirement in the Genocide Convention. The intent requirement again failed the purpose of the Convention and failed to protect a group that is threatened with destruction.

### **Negative Effects on the Punishment of the Crime of Genocide**

It has been argued that the *dolus specialis* requirement has allowed many who have committed genocide to escape conviction for that crime. A prime example of this can be seen in the overall failure of the International Tribunal for the former Yugoslavia (ICTY) regarding prosecutions of genocide. Genocide did take place in Srebrenica: "The [Krstic] Trial Chamber concluded that this campaign to kill all the military-aged men was conducted to guarantee that the Bosnian Muslim Population would be permanently eradicated from Srebrenica and therefore constituted genocide."<sup>21</sup> The Appeals Chamber confirmed this. Prior to Krstic, convictions for genocide by the Trial Chamber were either quashed or reduced to a lesser crime by the Appeals Chamber. Though the ICTY has recently convicted Vujadin Popovic and Ljubisa Beara (both ICTY-05-88-T) of genocide (as long as these are also not quashed or reduced at appeal), the definition of specific intent has still caused much confusion in decisions made at the ICTY. It has allowed people who have given direct orders to commit genocide and keenly participated in the genocide of Bosnian Muslim men, such as Krstic (ICTY-98-33-T) and most recently Drago Nikolic (ICTY-05-88-T), to be convicted of the lesser offense of "aiding and abetting" genocide.

The most significant case from the ICTY is against Goran Jelisic:

The words and deeds of the accused demonstrate that he was not only perfectly aware of the discriminatory nature of the operation but also that he fully supported it. It appears from the evidence submitted to the Trial Chamber that a large majority of the persons whom Goran Jelusic admitted having beaten and executed were Muslim. Additionally, many of the elements showed how Goran Jelusic made scornful and discriminatory remarks about the Muslim population. Often, Goran Jelusic insulted the Muslims by calling them "balijas" or "Turks." Of one detainee whom he had just hit, Goran Jelusic allegedly said that he must be have been mad to dirty his hands with a "balija" before then executing him.<sup>22</sup>

Jelesic had openly admitted to prohibited acts, which constituted the *actus reus* for genocide. He was openly using derogatory terms against Muslims, as well as identifying himself as the “Serbian Adolf.” There was much more evidence presented during the trial, which all offers very reliable indications as to Jelesic’s state of mind. The Trial Chamber, however, came to the decision that Jelesic did not possess the required specific intent, and he was found not guilty of genocide. Although this was later found incorrect by an Appeals Chamber, it was decided that a retrial would not take place, meaning he was not convicted of genocide. Although some would argue that he was convicted of other crimes, and received a forty-year sentence, he was still not convicted of the crime he committed, which is unacceptable.

### **Arguments for a Knowledge-Based Interpretation of the Convention**

Many in the international community have moved to change the intent requirement to a knowledge-based approach. This approach is more closely related to the *mens rea* in common-law legal systems. The International Criminal Court (ICC) states “for the purposes of this article, ‘knowledge’ means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. ‘Know’ and ‘knowingly’ shall be construed accordingly.”<sup>23</sup> For genocide, if the knowledge-based approach was used it would mean that a person is guilty of genocide if they willingly commit a prohibited act with the knowledge that it would bring about the destruction of a group. Individuals are unlikely to achieve the destruction of a group by themselves; they would have to work with others. Therefore, it is enough evidence if the individual commits an act knowing that it would contribute to other acts being committed against a particular group, which when put together, would bring about the destruction of that group, in whole or in part.

In such countries as the UK, some distinguished commentators consider knowledge as having the same value and intensity as intent, with the difference that intent “relates to the consequences specified in the definition of the crime” (for instance, death as a result of killing, in the case of voluntary murder), whereas knowledge “relates to circumstances forming part of the definition of the crime” (for instance, the circumstance that property belongs to another person, in the case of criminal damage to property).<sup>24</sup>

An example in English law would be the situation where a person obtains a gun, willingly aims it at someone, and pulls the trigger. Due to the high chance that that victim would die, the perpetrator is seen as having the intent and is therefore guilty of murder, if the victim dies. In the case of genocide, where the collective actions of many individuals is considered, one would have to show that there is a high possibility that a collection of prohibited acts aimed at a particular group would bring about its destruction. Therefore, committing a prohibited act with the knowledge that it would further a genocidal plan should be sufficient to prove intent.

Other countries’ case law refers to foresight of consequence equalling intent. As reiterated in Badar (2008), the Ontario Court of Appeal asserted in *Regina v. Buzzanga and Durocher* that,

As a general rule, a person who foresees that a consequence is certain or substantially certain to result from an act which he does in order to achieve some other purpose, intends that consequence. The actor’s foresight of the certainty or moral certainty of less, acted so as to produce it, then he decided to bring it about (albeit regretfully) in order to achieve his ultimate purpose. His intention encompasses the means as well as to his ultimate objective.<sup>25</sup>

A prominent argument for the knowledge-based approach of intent is that the *dolus specialis* requirement goes beyond what the Convention actually intended, and what Lemkin foresaw. Otto Triffterer argues this point, adding that requiring *dolus specialis* “would not only go beyond the wording, but would introduce a concept not precisely defined ... [or] ... generally accepted in Common Law countries. And even in Civil Law countries the concept of specific or special intent in the sense of *dolus specialis* is highly disputed.”<sup>26</sup> The prevention and punishment of the crime of genocide is challenging enough. To include an intent requirement that is extremely difficult to prove after the fact, and which is a contested term in many civil law countries, renders the Genocide Convention both confusing and ineffective. Such confusion makes the preventive purpose of the Convention nearly impossible to achieve.

The movement for a knowledge-based approach has been given increased weight by international courts moving toward a more lenient form of intent requirement. One of the most important decisions regarding proving intent came from the International Criminal Tribunal for Rwanda (ICTR). The important judgement came in the Akayesu case, in which the trial judges stated,

that intent is a mental factor which is difficult, even impossible, to determine. This is the reason why, in the absence of a confession from the accused, his intent can be inferred from a certain number of presumptions of fact. The Chamber considers that it is possible to deduce the genocidal intent inherent in a particular act charged from the general context of the perpetration of other culpable acts systematically directed against that same group, whether these acts were committed by the same offender or by others.<sup>27</sup>

Allowing intent to be inferred from an individual’s actions does not in its strictest form, as specific intent requires, prove that the individual’s actions were intended to destroy a group. It does, however, permit the courts to consider “foresight of consequences”, which is in keeping with a knowledge-based approach.

The Kayishema and Ruzindana case also showed the ICTR’s more lenient approach, which argued that for the *mens rea* to be complete, the prohibited acts “should be done in furtherance of the genocidal intent.”<sup>28</sup> Arguably, the tribunal was working under the assumption that if the perpetrator knows of the intent of others to kill a particular group, and knows his/her actions would contribute to this intent, but continues to participate, then in a sense the perpetrator does want the destruction of the group and is, therefore, guilty of genocide.

The Rome Statute of the International Criminal Court, whose jurisdiction includes genocide, shows a more lenient form of intent being required for the crime of genocide. Article 30 states:

Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

For the purposes of this article, a person has intent where:

In relation to conduct, that person means to engage in the conduct;

In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.<sup>29</sup>

How will adopting the knowledge-based approach affect the purpose of the Convention? In terms of prevention, the Convention is there to protect groups from being destroyed. If there are reports of prohibited acts targeting a protected group

being committed by people that have the ability to destroy the group, in whole or in part, then that should be enough to warrant action. The focus would then return to protecting the groups, rather than focusing on the specific state of mind of the perpetrator. If the knowledge-based approach was adopted, prosecution for the crime of genocide would be possible for all active participants. Any of the prohibited acts willingly committed, with the knowledge of the wider destruction being carried out on the targeted group, would constitute genocide.

### **The Original Intentions of the Creator and Drafters of the Convention**

In order to determine what the Convention means by its definition (“genocide is any of the following acts committed with the intent to destroy, in whole or in part, a group”), the reason for the Convention being proposed, and the discussions that took place during the drafting of the Convention, including arguments for either *dolus specialis* or a knowledge-based interpretation, all need to be reviewed. As Lemkin personally coined the term “genocide,” his original intentions are also important. Throughout Lemkin’s works, he focused on the idea of a group being destroyed and not on the level of intention behind the perpetrators’ actions. When Lemkin first coined the term genocide, there was little emphasis on intent. He saw genocide as a “coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups.”<sup>30</sup> He argued that each individual group brings unique qualities to the collective well-being of humankind and destroying one of these groups is a serious crime against all humankind and should be prevented and punished.

Lemkin reiterates this point in his later work, “Genocide: A Modern Crime,” including examples of what the world could be missing out on if it allowed the destruction of a group. His focus remained on the vital diversity of the human race:

Our whole cultural heritage is a product of the contributions of all nations. We can best understand when we realize how impoverished our culture would be if the peoples doomed by Germany, such as the Jews, had not been permitted to create the Bible or to give birth to an Einstein, a Spinoza; if the Poles had not had the opportunity to give to the world a Copernicus, a Chopin, a Curie, the Czechs a Hass, and a Dvorak; the Greeks a Plato and Socrates; the Russians, a Tolstoy and a Shostakovich.<sup>31</sup>

### **Arguments for *Dolus Specialis* during the Drafting of the Convention**

*Dolus specialis* is mentioned three times in the drafting of the Convention: twice by the Brazilian delegate (see A/C.6/SR.72 and A/C.6/SR.76), and once by the French (E/AC.25/SR.26). When Brazil mentioned it, it seemed to refer to premeditation and motive, which were both deemed not necessary within the definition. Arguably, France mentioned the term simply because that is the highest intent used within their legal system. It is worth noting that “mentioned” is the correct word to attach to these statements because, when either country used the term, no other country affirmed the use of the term further, and none pushed for the *dolus specialis* intent to be adopted by the drafters. The term seemed to be completely brushed over by the other countries during the drafting, arguably showing that its inclusion was not at all important to the drafters.

Although not specifically mentioning *dolus specialis*, the Venezuelan delegate raised concerns over the use of more general forms of intent. Referring to a Union of Soviet Socialist Republics (USSR) proposal wanting to change “committed with

intent to destroy” to “aiming at the destruction,” the Venezuelan delegate pointed out that in some countries, military personnel had no choice but to obey orders and, therefore, would risk punishment whatever decision was taken.

According to the definition of genocide given in Article II of the Convention, intent formed the chief element of the crime. By excluding that element the USSR amendment completely altered the nature of genocide, Mr. Perez Perozo [the Venezuelan delegate] gave an example a group of soldiers, ordered by an officer to open fire on a political group and who did so in the belief that they were suppressing disturbances, whereas the officer had really intended the destruction of the group . . . if they obeyed the order, they would have committed genocide and if they did not obey it, they would be guilty of subordination.<sup>32</sup>

### **Arguments for a Knowledge-Based Approach during the Drafting of the Convention**

Although not explicitly stating the term knowledge-based approach during the drafting of the Convention, the discussions seemed to be moving more in that direction.

The Secretariat Draft of the Genocide Convention, May 1947, Article I(I) states that “the purpose of this Convention is to prevent the destruction of racial, national, linguistic, religious or political groups of human beings.”<sup>33</sup> Though the list of groups has narrowed through drafting, the main purpose remains the same. Whenever trying to find the correct interpretation of the Genocide Convention, the protection of the groups is paramount and every interpretation needs to be focused on achieving this purpose. If not, the interpretation is incorrect. You cannot have an interpretation of a Convention that does not allow for the purpose of the Convention to be achieved. The Peruvian delegate also pointed out that the “characteristic feature was the destruction of groups,”<sup>34</sup> highlighting again the focus being on groups, and not on the perpetrators’ level of intent.

### **Genocide vs. Homicide: The Original Intent of the Intent Requirement**

Throughout the creation and drafting of the Genocide Convention, the importance of the word “intent” within the definition was to separate the crime of genocide from that of general homicide. This is seen in the General Assembly Resolution 96(I), which showed the connection between the two crimes: “Genocide is a denial of the right of the existence of entire human groups, as homicide is the denial of the right to live of individual human beings.”<sup>35</sup> In order to distinguish genocide from homicide, intent was included to emphasize that the prohibited acts were committed not to target an individual as an individual, but as a result of his/her association with the targeted groups. The different acts prohibited within the Convention are crimes in their own right. The use of “intent” ensured that people committing general homicide would not be charged with genocide. The crime of genocide is different because while the crime is committed against an individual, it is actually intended to harm the group with which the individual is associated. Focus throughout the years has centered on the latter part of the definition: “the intent to destroy, in whole or in part,” a group.” This is incorrect. The focus should be on the whole first part of the definition: “any of the following acts committed with the intent to destroy . . . a group.” Genocide is the destruction of selected groups.

The *Colour Oxford English Dictionary* defines “group(s)” as “a number of people or things placed or classed together.”<sup>36</sup> One way of destroying the group is by targeting its different parts, which for genocide would be the individuals that make up the

group. The focus should not be on the need to prove that every perpetrator's specific intention is to wipe out the group, but on the prohibited acts that will result in the destruction of the group. During the drafting of the Convention, the Panamanian delegate stated that "the characteristic which distinguished genocide from the common crime of murder was the intention to destroy a group."<sup>37</sup> The United States delegate reiterated this point: "The intent to destroy a group[,] which differentiated the crime of genocide from the crime of simple homicide."<sup>38</sup> The Belgian delegate concurred.

Throughout the drafting, many discussions focused on finding the correct wording to create an instrument that could be used to protect against the destruction of groups. The word "intent" was not meant to be the focus of the definition, nor of the crime of genocide itself, in the way that it has become.

The Draft Convention (6 June 1947) for the prevention and punishment of genocide stated that "In this Convention, the word 'genocide' is understood to mean criminal acts against any one of the groups of human beings aforesaid, with the purpose of destroying them in whole or in part, or of preventing their preservation or development."<sup>39</sup> The next relevant document was the Secretariat Draft on 26 June 1947 from the Economic and Social Council, which refers to genocide as "a criminal act directed against any one of the aforesaid groups of human beings, with the purpose of destroying it in whole or in part."<sup>40</sup> Discussions that took place on 16 April 1948 showed that the Chinese delegation "proposed that genocide should be defined as an act directed against... [groups]."<sup>41</sup> The same day, the Committee adopted a definition "*pending further discussion of the word 'national'*: In this Convention, the word 'genocide' means a criminal act aimed at the physical destruction, in whole or in part, of a group of human beings, for racial, national or religious reasons."<sup>42</sup>

During discussions on 23 April 1948, the Chinese delegate's proposal of genocide as an "act directed against ... [groups] ... *was adopted by the Committee by six votes to none, with one abstention.*"<sup>43</sup> Other important proposals during the drafting came on 29 April 1948 from the United States, defining genocide as the "killing of members of the group with the intention of destroying its physical existence," and "acts causing the death of members of the group."<sup>44</sup> Lebanon saw genocide as "acts which are intended to ... destroy groups, directly or indirectly."<sup>45</sup> The wording moved back to "directed against" but finally settled on "intent to destroy." Taken in the context of the words suggested by different delegates before the final text was adopted, and with delegates pointing out the link between homicide and genocide, the word "intent" within the definition does not point toward requiring a high level of intention. The significance is that the people who are targeted are seen not as individuals, but as a part of a group. In order to destroy the group, the individuals need to be destroyed.

Delegates from the USSR and France were some who raised concerns about the definition being interpreted too restrictively. USSR stated that

If the words "committed with the intent to..." were retained, there would be a risk of ambiguity. The perpetrators of acts of genocide would in certain cases be able to claim that they were not in fact guilty of genocide, having had no intent to destroy a given group ... Rather, therefore, than stipulate the intent to destroy, the article should define acts of genocide as acts "resulting in 'destruction.'"<sup>46</sup>

The USSR also proposed including the wording "aiming at the destruction" rather than "with the intent to destroy." On this proposal the French Delegate commented:

The idea of the USSR was apparently to guard against the possibility that the presence in the definition of the word “intent” might be used as a pretext, in the future, for pleading not guilty on the grounds of absence of intent. In the circumstances, the objective concept seemed to be more effective than the subjective concept.<sup>47</sup>

Following this opinion, the Greek delegate expressed the idea that some wanted a less restrictive intent requirement for genocide and “to leave the judge free to decide, in each individual case, whether the element of intention was present or not.”<sup>48</sup> France agreed, stating:

It was perfectly normal that an international law such as the convention on genocide should contain instructions to the judges charged with its application. It could not be asserted that it would thereby restrict the power of judges to determine the responsibility of the accused.<sup>49</sup>

The delegates wanted the definition broad enough for judges to decide on a case-by-case basis and determine whether the person had “committed any of the . . . acts with the intent to destroy a group.” This implies leniency, not the strictest form of intent.

## Evaluating Previous Arguments and Developments

The main argument for a stricter interpretation, made by those who advocate invocation of *dolus specialis* as the intent requirement for genocide, is that it separates the crime as more serious than other international crimes, such as crimes against humanity. This, however, is not true. Genocide is a crime against humanity and was developed from crimes against humanity. Although genocide is a very serious crime, there are incidents of crimes against humanity that are just as shocking. Many of the crimes that were committed during Josef Stalin’s tyranny could not be classified as genocide, yet the number of people who died was much higher than any genocide that has taken place, and the crimes were equally atrocious. The focus as stated throughout this article is the destruction of the group, not constructing a “hierarchy of horrible.”<sup>50</sup>

During the drafting of the Convention, delegates considered genocide to be a particular type of crime against humanity. An example of this is the French proposal, including Article 1 that states “the crime against humanity known as genocide is an attack on the life of a human group or of an individual as a member of such group.”<sup>51</sup> The International Law Commission (ILC) also saw the connection: “The General Assembly affirmed that the persecution type of crimes against humanity or ‘genocide’ constituted a crime under international law for which individuals were subject to punishment.”<sup>52</sup> This was again pointed out at the ICTR in the Kayishema and Ruzindana Judgement: “The definition of the crime of genocide was based upon that of crimes against humanity, that is, a combination of ‘extermination and persecutions on political, racial or religious grounds.’ . . . The crime of genocide is a type of crime against humanity.”<sup>53</sup>

One of the arguments against all perpetrators being punished is that of superior orders. Some raise concerns that if people were only following orders, then they should not be punished. For those who do not have freedom over their actions, this could be an acceptable defence. But, for those willing participants, it is absurd that they should be able to escape prosecution for the crimes they commit just because they were told to do the acts. Superior orders have never been acceptable as a defence in relation to the crime of genocide and should not be allowed as something for people to hide behind to escape conviction. From the first time Lemkin introduced

the term “genocide,” he argued that all parties involved should be punished, regardless of their position within the genocide. In his 1944 book, Lemkin stated, “In order to prevent the invocation of the plea of superior orders, the liability of persons who *order* the genocide practices, as well as of persons who execute such orders, should be provided expressly by the criminal codes of the respective countries.”<sup>54</sup> Within the final text of the Convention on the Prevention and Punishment of the Crime of Genocide, the idea that all should be punished was retained, showing consistency about superior orders not being an excuse. Under Article 4, “Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.”<sup>55</sup>

## The Development of the Interpretation of “Intent” within the Convention

The ILC’s Draft Codes of Crimes against the Peace and Security of Mankind was one of the first detailed documents concerning what was meant by the word “intent” within the definition of genocide. Article 17 of this document focuses on the crime of genocide. Article 17(5) states that “an individual incurs responsibility for the crime of genocide only when one of the prohibited acts is committed with intent to destroy, in whole or in part, a group, as such.”<sup>56</sup> Although this document states that intent is required, Article 17(10) argues that such intent can be inferred from knowledge of the discriminatory effects of his acts in destruction of a targeted group:

(10) ... Indeed the Convention on the Prevention and Punishment of the Crime of Genocide explicitly recognizes in article IV that the crime of genocide may be committed by constitutionally responsible rulers, public officials or private individuals. The definition of the crime of genocide would be equally applicable to any individual who committed one of the prohibited acts with the necessary intent. The extent of knowledge of the details of a plan or a policy to carry out the crime of genocide would vary depending on the position of the perpetrator in the governmental hierarchy or the military command structure. This does not mean that a subordinate who actually carries out the plan or policy cannot be held responsible for the crime of genocide simply because he did not possess the same degree of information concerning the overall plan or policy as his superiors. The definition of the crime of genocide requires a degree of knowledge of the ultimate objective of the criminal conduct rather than knowledge of every detail of a comprehensive plan or policy of genocide. A subordinate is presumed to know the intentions of his superiors when he receives orders to commit the prohibited acts against individuals who belong to a particular group. He cannot escape responsibility if he carries out the orders to commit the destructive acts against victims who are selected because of their membership in a particular group by claiming that he was not privy to all aspects of the comprehensive genocidal plan or policy. The law does not permit an individual to shield himself from criminal responsibility by ignoring the obvious. For example, a soldier who is ordered to go from house to house and kill only persons who are members of a particular group cannot be unaware of the irrelevance of the identity of the victims and the significance of their membership in a particular group. He cannot be unaware of the destructive effect of this criminal conduct on the group itself. Thus, the necessary degree of knowledge and intent may be inferred from the nature of the order to commit the prohibited acts of destruction against individuals who belong to a particular group and are therefore singled out as the immediate victims of the massive criminal conduct.<sup>57</sup>

This section may mention the individual needing the “necessary” intent, but it also states that intent and knowledge would be enough to be convicted of genocide.

The ILC, as shown above, indicates that if a person commits one of the acts with the knowledge that it is part of an orchestrated effort targeted at a particular group, this would be sufficient for the individual to be convicted of genocide. This again argues for a knowledge-based approach to the requirement of intent in the Convention.

Article 25(3)(d) of the Rome Statute of the International Criminal Court, in relation to crimes committed by a collective for a common purpose, gives examples of the level of responsibility for individuals involved:

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(d) In any other way continues to the commission or attempted commission of such crime by a group of persons acting with a common purpose. Such contributions shall be intentional and shall either

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime.<sup>58</sup>

One reason the Genocide Convention was created was to ensure that those guilty of genocide were punished. Although not required for conviction, genocide does usually involve a plan. Genocide is not one act; it is a collection of acts committed by a number of people that when put together, if successful, would bring about the destruction of a group, in whole or in part.

It is correct that genocide would not happen if people did not organize and orchestrate the process and/or plan. However, it is also true that genocide could not go beyond the stages of planning if people did not willingly act. The people who commit the *actus reus* of genocide are not just aiding and abetting, or being complicit in the crime of genocide. These people are in fact at the center of the prohibited acts that constitute genocide, therefore, at the center of the crime. For this reason, they should not be allowed to escape punishment for that crime. All free persons are responsible for their own actions and should be held responsible for them. If someone willingly commits a prohibited act knowing of a coordinated effort by others against a targeted group, then they should know that this will threaten the survival of the group. If they continue to act, they do have the intent for the group to be destroyed, whether they choose to admit it or not. If they are of sound mind, then they are fully aware of their actions and what their actions could lead to. To plead ignorance is inappropriate. People need to consider carefully the actions they take before taking them. The *dolus specialis* requirement is therefore unsuitable because, regardless of an individual's expressed intentions, he/she is still actively involved in genocide and plays a crucial part. Without these actions, the lives of many victims could be spared. The individuals are as much to blame as the people who orchestrated the "plan." A lower form of intent should, therefore, be used as this will not restrict punishment to just a selection of leaders. Aiding and abetting charges should be used for people who did not commit a prohibited act, but still helped enable genocide to occur. The people who committed the prohibited acts are far too involved to be seen only as accomplices. They are at the center of the crime and their acts are the ones that bring about the destruction of the group. Their willingness to commit these acts, with knowledge that they would bring about the destruction of the group, should suffice. The focus should be on preventing group destruction, not only on punishing people with "specific" intent.

If the knowledge-based approach was adopted, while the number of people prosecuted for genocide would increase, it could also have an additional effect on prevention. Genocide is a systematic crime that, to take place, needs the actions of many people. If people knew that by participating in prohibited acts there was a high chance that they would be prosecuted for their part, and if they were convicted of genocide they could spend the rest of their lives in prison (as opposed to a few years if convicted of a lesser crime), this would undoubtedly act as a deterrent. During the drafting of the Convention, the French delegate made this exact point:

Mr. CHAUMONT (France) maintained that the punishment of a soldier, which did not of course exclude the punishment of an officer, was intended to produce the profound psychological effect, the deterrent value of which had been stressed by the representative of Czechoslovakia.<sup>59</sup>

Intent, as discussed above, is a personal state of mind and very difficult to prove if not openly expressed. Stanton determined that denial is the eighth and final stage of genocide, and that it operates throughout the genocidal process. This is because genocide is a crime that aims at completely removing the memory of a group's existence. Perpetrators "deny that they committed any crimes, and often blame what happened on the victims. They block investigations of the crime, and continue to govern until driven from power by force, when they flee into exile."<sup>60</sup> The perpetrators always state that they are not committing genocide. Their denial is in fact part of the crime. By requiring strict specific intent proven beyond a reasonable doubt as in a court of law, we are actually accommodating their criminality. The possibility that perpetrators will not only deny that the crime is taking place, but also destroy all evidence of the crime, is highly likely. Requiring *dolus specialis* is assisting this stage of genocide and works against the purpose of the Convention:

Genocide being based on the denial of the victims' very existence, it is therefore unsurprising that denial of a given genocide is nothing but the universal strategy of perpetrators who thus typically deny either that the events took place, or that they bear any responsibility for the destruction, or still that the term "genocide" is applicable to what occurred.<sup>61</sup>

## Conclusion

As stressed throughout this article, the focus has always been, and should remain, on preventing the destruction of particular groups. Lemkin saw the destruction of the group as a crime, because it would mean humanity had lost the unique contribution that the group would bring to the world. For Lemkin, the key purpose of the Convention was to ensure that the group would continue to exist, and that any planned acts systematically orchestrated to threaten its existence would be stopped and punished. The crime of genocide is special because it focuses on groups, as such, as opposed to individuals. The drafting of the Convention developed this idea and left the notion of "intent" open to interpretation. The *Travaux Préparatoires* of the drafters does not support the *dolus specialis* interpretation.

The ILC's statements began with a specific intent approach, but also allowed for the knowledge-based approach. The courts seem to be split: The ICTY has taken the restrictive approach, which has left it with questionable results. The ICTR, on the other hand, has convicted many defendants, both because Rwanda was clearly a case of genocide, but also because the ICTR has adopted a broader, knowledge-based interpretation and has convicted defendants on evidence of the person's involvement

and foresight. Although there are currently no case study examples of the International Criminal Court's interpretation of intent within the genocide definition, Article 30 of the statute shows an obvious move toward a knowledge-based approach. Some have argued that "unless otherwise provided" means that because genocide is known as a specific intent crime, intent is already provided. However, the challenged section of the Convention's definition simply states "committed with *intent* to destroy, in whole or in part," and does not detail what type of intent is required. It is therefore argued that the "unless otherwise provided" stipulation should refer to the section in the Convention containing the prohibited acts. For example, the word "deliberately" in the following quotation points to the act requiring premeditation and positive action rather than recklessness or knowledge: "(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."<sup>62</sup>

The use of *dolus specialis* as the intent required by the Genocide Convention completely goes beyond the original intent of the Convention's drafters, and especially beyond the intent of Raphael Lemkin. Before *dolus specialis* was held to be the required intent in the Akayesu trial, no legal document or UN paper had associated it with the crime. Although an argument was put forward in the *Travaux Préparatoires* to allow judges the freedom to interpret, this was because all cases would involve different circumstances and levels of involvement, requiring a case-by-case interpretation. It was not meant to allow a judge's decision to restrict future decisions.

Once violence has begun, however, if it becomes obvious that a group is being systematically targeted with acts, such as that prohibited by the Genocide Convention, then prevention efforts should commence. Hopefully prevention, beginning with early warning systems, will one day be effectively used by governments to alleviate tensions before violence begins. The key to genocide prevention is early action. We cannot let another situation like Darfur take place. When the existence of a group is threatened, the intentions of perpetrators are seldom openly expressed. It is unacceptable that more than sixty years after the Holocaust was uncovered, a genocide hidden from the world by the Nazis, genocides are still occurring and that the international "community" continues to ignore them.

Genocide is a very serious crime and should remain as such. Although it is uncommon, when it does take place, it is not just because a few people wanted it to happen. People need to take responsibility for their actions. A general intent would be too low a standard for the crime of genocide, but committing an act with the knowledge that it will help an ongoing plan to destroy a group is sufficient evidence to prove intent to commit genocide. If perpetrators are only attacking a section of the group, such as men, then it is still obvious that this would have a devastating effect on the existence of that group. For someone to escape punishment because they either did not possess a plan to eliminate an entire group, or simply did not concern themselves with the consequences of their actions, is unacceptable. Adopting the *dolus specialis* requirement renders the Genocide Convention's preventive purpose incredibly difficult. By adopting the knowledge-based approach, anyone willingly committing a prohibited act knowing that it would contribute to an ongoing offensive against a group would be liable for conviction for that crime.

The move away from the creator's and drafters' original meaning of intent in the Genocide Convention urgently needs to be corrected. The focus needs to return to protecting groups. The knowledge-based interpretation is the most suitable means for achieving this end. As demonstrated by the evidence above, this approach would

not only restore the original intent of the Genocide Convention, but would also give it a new power that is now vitiated by debates over whether atrocities possess the “specific intent” to qualify as genocide. This knowledge-based meaning of intent is what was always intended by Lemkin and the drafters when they decided to adopt the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, and it is what should be required now.

## Notes

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# An Analysis of Perspectives on the Office of the Special Adviser on the Prevention of Genocide

Aidan Hehir

*Department of Politics and International Relations,  
University of Westminster*

*In April 2004, on the tenth anniversary of the Rwandan Genocide, the UN secretary-general established the Office of the Special Adviser on the Prevention of Genocide (OSAPG). While the OSAPG has been hailed in some quarters as major institutional reform of significant importance, there has been no focused academic analysis of its mandate and work to date. This article addresses this gap and is based on a series of interviews conducted with prominent members of the OSAPG itself and experts in the field of human rights. The article analyzes the differing perspectives on the OSAPG and identifies the major institutional weaknesses, methodological failings, and ongoing challenges facing the OSAPG as cited by the interviewees. While there is clearly broad—though not universal—support for the establishment of the OSAPG, there are a number of factors, both endogenous and exogenous, which appear to have limited the influence of the OSAPG, and it is not clear whether the office, as presently conceived, can realize the task it has been mandated.*

*Key words: genocide prevention, Special Adviser on the Prevention of Genocide, United Nations, Security Council, Francis Deng, responsibility to protect (R2P)*

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## Introduction

The Holocaust states have often committed themselves to preventing genocide, most clearly through the 1948 Genocide Convention. Active support for the implementation of substantive reforms and initiatives aimed at achieving this goal, however, has been less forthcoming. The refrain “Never Again!,” so often solemnly articulated since the Holocaust, has often appeared as little more than an empty slogan when contrasted with the glacial pace of reform and the international community’s erratic response to instances of alleged and clear genocide in the modern era. There has been, as Thomas Weiss noted, “a dramatic disconnect between political reality and pious rhetoric.”<sup>1</sup>

The establishment of the Office of the Special Adviser on the Prevention of Genocide (OSAPG) in 2004, however, constitutes a definite structural innovation within the UN architecture specifically focused on helping to realize the “Never Again!” promise. The OSAPG has been described as “pioneering new approaches to genocide prevention that represent an important part of the intellectual history of preventative diplomacy at the UN” and “an authentic basis for hope that the UN may move gradually toward fulfillment of its potential.”<sup>2</sup> The OSAPG is, therefore, of great importance not only for scholars working on genocide, but for all those

concerned with the evolution of the UN and specifically its mechanisms for addressing intrastate humanitarian crises.

Despite this importance, to date there has been a dearth of academic inquiry into the creation and role of the OSAPG, reflected in the paucity of references to the office in academic literature. This article aims to help fill this gap in the literature by providing an analysis of perceptions of the OSAPG's role to date and the barriers to its efficacy, based on a series of face-to-face interviews conducted during the summer of 2009. The intention is twofold: first, to provide the first academic analysis of perspectives on the OSAPG from practitioners and experts in the field of human rights, and second, to analyze the OSAPG's own perspective on its role and its response to the criticisms leveled against it.

This article initially provides an overview of the establishment of the OSAPG and the nature of the interviews conducted. There follows a conceptual analysis of the OSAPG, assessing perceptions on both whether it normatively constitutes a significant innovation and how it can best add value to the existing UN system. The subsequent section focuses on empirical issues, namely, the profile of the OSAPG, its relationship with the UN and specifically the Security Council, and the nature of its work. The final section assesses the issues identified as constituting barriers to the future success of the OSAPG.

## **Background to the OSAPG**

The genocide in Rwanda in 1994 was the catalyst for a process of self-reflection within the UN, which was derived from a general consensus that the UN system had failed to respond in a timely and effective manner to this tragedy.<sup>3</sup> The UN's inquiry into the genocide identified gaps in the early warning capacity of the organization and called for "an action plan to prevent genocide" aimed at "improving early warning."<sup>4</sup> This was re-emphasized by Secretary-General Kofi Annan in a 2001 report when he advocated establishing a new office devoted to prevention.<sup>5</sup> In April 2004, on the tenth anniversary of the Rwandan genocide, Kofi Annan launched his "Action Plan to Prevent Genocide," which included the establishment of the OSAPG. While this was certainly not the first time the UN had addressed the issue of preventing genocide, the establishment of this office was unprecedented. David Hamburg notes: "It was the first time any prevention professional had been appointed at such a high level . . . [and] the first time that a unit focusing specifically on genocide prevention had ever been created at the UN."<sup>6</sup>

The mandate of the OSAPG, contained in a letter from the secretary-general to the Security Council on 12 July 2004, noted,

The Special Adviser will (a) collect existing information, in particular from within the United Nations system, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide; (b) act as a mechanism of early warning to the Secretary-General, and through him to the Security Council, by bringing to their attention potential situations that could result in genocide; (c) make recommendations to the Security Council, through the Secretary-General, on actions to prevent or halt genocide; (d) liaise with the United Nations system on activities for the prevention of genocide and work to enhance the United Nations capacity to analyse and manage information relating to genocide or related crimes.<sup>7</sup>

Initially, Juan Mendez, an Argentinean human rights lawyer, was appointed Special Adviser and the role was part-time. In May 2006, Kofi Annan established an

Advisory Committee to support the work of the OSAPG. On 27 May 2007, Francis Deng, former Representative of the United Nations Secretary-General on Internally Displaced Persons, was appointed Special Adviser and, in August 2007, the OSAPG was made a full-time position and the status of the Special Adviser was upgraded to Under-Secretary-General.

Rather than rely on the few second-hand sources that deal only tangentially with the OSAPG,<sup>8</sup> or the OSAPG's own reports, I conducted a series of interviews in August 2009 to evaluate opinion as to the utility of the office.<sup>9</sup> The aim of these interviews was to gather information on the OSAPG both from those working within the OSAPG and those outside the OSAPG who work on issues directly related to its mandate. In the first category I interviewed Dr. Francis Deng, the Special Adviser; Professor David Hamburg, Chairman of the OSAPG Advisory Committee; and Maria Stavropoulou and Castro Wesamba, both Political Affairs Officers within the OSAPG. In the second category I interviewed Steve Crawshaw, Human Rights Watch's United Nations Advocacy Director; Heather Sonner from the International Secretariat of the Institute for Global Policy; Sapna Chhatpar Considine, Project Manager with the International Coalition for the Responsibility to Protect; Nicola Reindorp, Director of Advocacy at the Global Centre for the Responsibility to Protect; and Professor Thomas Weiss, Director of the Ralph Bunche Institute for International Science, which is affiliated with the Central University of New York. The following analysis reflects the perspectives of these interviewees and draws out generic themes related to the OSAPG's normative *raison d'être*, role to date, and future prospects.

## **Perspectives on the Concept of a Special Adviser on the Prevention of Genocide**

There are very few people who, in principle, oppose preventing genocide. Broad support for genocide prevention, of course, need not readily translate into support for the creation of a particular UN office or indeed the OSAPG itself. There are those, however, who argue that while genocide prevention is a nice idea, it is simply not possible to predict the occurrence of genocide with any kind of accuracy.<sup>10</sup> Others argue that even the best genocide early warning system will be of little to no use as the international community's reaction to suspected or actual genocide is typically too little, too late. While the horror of the genocide in Rwanda in 1994 compelled many to call for improved early warning systems and greater international engagement in states evidencing signs of instability, many drew significantly different conclusions. Given that the international community had brokered the Arusha Accords—deemed by many to have been a catalyst in the eventual carnage<sup>11</sup>—and also that there were many international observers, including the UN force UNAMIR, in Rwanda prior to the outbreak of the violence, some have argued that the genocide cannot be cited as evidence in support of the idea that early intervention and international engagement is necessarily a good thing.<sup>12</sup>

It is not the intention of this article to engage with this argument.<sup>13</sup> Clearly, those who are skeptical about early intervention and preventative diplomacy generally will be unlikely to view the establishment of the OSAPG as a useful development. A more illustrative means of gauging perceptions of the OSAPG's utility is derived from garnering the views of those who believe that preventative diplomacy and international engagement generally are, in principle, good ideas, hence the choice of interviewees outside the OSAPG itself.

Heather Sonner, from the International Secretariat of the Institute for Global Policy, noted that her organization wishes to have “a very collaborative relationship with the Special Advisor’s office . . . we very much want to support the mandate and what they do.” Sonner argued that the secretary-general was tasked with maintaining a generally cordial relationship with all member states. The Special Adviser, however, would have the freedom to “speak out on such a sensitive issue as genocide and . . . sound the alarm.”<sup>14</sup> This view was echoed by Steve Crawshaw from Human Rights Watch, who identified “the wakeup call potential” of the OSAPG as being “very important.”<sup>15</sup> Similarly Nicola Reindorp, Director of Advocacy at the Global Centre for the Responsibility to Protect, stated, “Has [the OSAPG] got an important and valuable role and has the original concept behind it still got value? Absolutely.”<sup>16</sup> A key aspect of the “valuable role” of the OSAPG, according to Reindorp, was that it would, “make it more politically costly for any policy maker to fail . . . to take action in a particular way,” and that the existence of the office meant “[there are] people responsible to ensure that parts of the [UN] bureaucracy are watching for warning signs and driving discussion around policy options.”<sup>17</sup>

The OSAPG does not have a significant presence on the ground in trouble spots around the world, nor has it established a new means of gathering information. Rather, it aims to “filter information.”<sup>18</sup> Yet analyses of the genocide in Rwanda in 1994 have noted that the most outrageous aspect of the UN response was the fact that information *was* readily available and alarm bells were sounded, most infamously Romeo Dallaire’s cable on 11 January 1994 warning that he had uncovered plans for mass murder and had information about the location of weapons caches.<sup>19</sup> Establishing an office to manage information about impending genocide may thus be seen as a solution to a problem that has not really been of major import, certainly when compared to the problem of mobilizing political will among the five permanent members of the Security Council (the P5) to take timely and effective action. Crawshaw argued, however, that “[in 1994] there wasn’t a lack of information but there was a lack of those who had information, who were able to cut like a knife through the system.”<sup>20</sup> The OSAPG, he suggested, had the potential to serve as this fast track. On this issue Sonner noted that while there were certain offices within the UN that were already charged with dealing with gathering information related to the prevention of genocide—in particular the High Commissioner for Human Rights—there was no single spokesperson mandated specifically to focus on genocide prevention and thus the OSAPG brought a sharper focus to the issue. Sonner argued that the OSAPG would be able to “prevent the hyper politicisation of that information as it moves up the chain within the Secretariat, which we did see in the case of Rwanda.”<sup>21</sup> Reindorp claimed that it would be a “real exaggeration to suggest that the appointment of one person and a couple of people is going to revolutionize the response to genocide.” Nonetheless, this attempt “to plug one little piece of the gap in the capacity of the UN secretariat, which itself is one tiny, tiny piece in the whole prevention of genocide architecture” was, she claimed, “significant,” though the OSAPG should not be seen as “a kind of a panacea.”<sup>22</sup>

Within the OSAPG, the question of the office’s added value was accepted as being “a valid concern.”<sup>23</sup> Francis Deng acknowledged that there was a plethora of sources of information and that the OSAPG was not going to add significantly to the detection of warning signs and did not constitute “anything dramatically new.”<sup>24</sup> Nonetheless, he argued that the significance of the OSAPG derived from the fact that, unlike NGOs, “[the OSAPG is a] UN entity, which was agreed upon as a result of collective thinking about what the UN should be doing to respond to

this issue. [It is] a spotlight within the system which is well equipped and capacitated, it can mobilise these resources.”<sup>25</sup> Deng recalled that prior to the Rwandan genocide, Bacre Ndiaye, then UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, wrote a report that he submitted to the UN warning about the likelihood of massive violence in Rwanda. This report, Deng noted, was lost in the UN bureaucracy.<sup>26</sup> Deng claimed, “If Ndiaye’s report had come to a focal point within the UN system that was charged to make use of such information, to rally forces, to alert the Secretary-General to inform the Security Council, that perhaps would have been more effective.”<sup>27</sup> The OSAPG was evidently now acting as this “focal point with the UN system” and thus ostensibly constituted a significant reform of the existing system. Likewise Maria Stavropoulou, Political Affairs Officer within the OSAPG, argued that the very existence of the OSAPG meant that if action was not taken and genocide occurred, the OSAPG would be able to apportion blame.<sup>28</sup>

This broad support for the establishment of the OSAPG and endorsement of its utility was not shared by all. Professor Thomas Weiss asserted, “[I]t’s not a real job, it’s not something you can really do anything about from the inside at this point in time . . . I think it would make much more sense to keep this as a focus or a part of the High Commission for Human Rights and keep it live, but not expect it to go anywhere because I don’t think it will.”<sup>29</sup> Weiss noted that this was a view shared by Gareth Evans, who expressed similar concerns at a meeting of the OSAPG Advisory Committee.<sup>30</sup> In response to Evans’s criticism of the OSAPG, Weiss claimed, “[David] Hamburg went through the ceiling, Francis [Deng] went through the ceiling but I actually think that they just don’t want to hear how few clothes the emperor has.”<sup>31</sup> Additionally, while the representatives of the NGOs interviewed were broadly supportive of the office’s *raison d’être*, they all expressed significant concerns about the methods of the Special Adviser. These concerns, explored in the next section, suggested that the OSAPG’s *potential* utility had not been achieved, rendering the office largely impotent.

### **Assessing the Role of the OSAPG to Date**

The OSAPG has yet to achieve a high profile; according to Sonner, “there is still a significant challenge in making people aware that the office exists.”<sup>32</sup> It has attracted very little attention within academia, and even within the UN system, it has been overlooked at times. Stavropoulou noted that the OSAPG was not invited to a meeting of a UN inter-agency framework team for conflict prevention. She recalled, “The office had to take the initiative to say, ‘We would like to be part of this.’ This happened not just with this framework but within a couple of other fora as well. There was no objection, nobody said, ‘We don’t think you should be part of that meeting,’ there was never any objection but also there was no automaticity.”<sup>33</sup> It is significant that an office charged with such an important mandate established over five years ago would be overlooked in this way and it is indicative of the OSAPG’s low profile.

To some extent, the OSAPG’s low profile derives from the initial status of the office. David Hamburg noted that prior to his appointment as Special Adviser, Juan Mendez had accepted a full-time position as a president of the International Centre for Transitional Justice. According to Hamburg, while Kofi Annan appointed Mendez in the belief that he would work full-time, Mendez believed the position was part-time, involving “at the most, a day a week.” Hamburg recalled, “Well then, we had to make the best of it. We didn’t want to embarrass Kofi, we didn’t want to

embarrass Mendez, and so we decided, ‘Well, let’s say we’re going to start very small and experimentally.’”<sup>34</sup> This confusion, and the initial part-time nature of the role during Mendez’s tenure, understandably influenced the OSAPG’s productivity. When Mendez stepped down and was replaced by Deng, the position was quickly made full-time, although, according to Hamburg, “[The UN] budget committee gave [Deng] nothing,” with the result that Deng had to make do with a skeletal staff for the first year of his tenure.<sup>35</sup> Deng acknowledged that he spent most of his initial twelve months trying to generate funding and recruit staff rather than actively working to fulfill his mandate.<sup>36</sup>

In addition to this issue of capacity, a number of other explanations were cited as reasons for the OSAPG’s low profile. Stavropoulou noted that “because of its type of mandate and the type of work it does, [the OSAPG] cannot be a very ‘productive’ office. We do not put notes and reports on our website like others; we simply can’t. Politically it’s impossible.” Additionally, she suggested that within the UN, “there is a bit of a proliferation of separate offices, entities, units, and so forth, and not all are well known.”<sup>37</sup> This is certainly true; nevertheless, it is curious that an office that is tasked with addressing such an emotive issue, which resonates so widely and attracts so much attention, should be so anonymous.<sup>38</sup>

All those interviewed not directly connected to the OSAPG identified Deng’s style as a key factor in the failure of the OSAPG to achieve prominence. Weiss noted that the few press statements realized by the OSAPG had been largely devoid of significant content and asserted, “I think Juan Mendez did more in 5% of his time than Francis does in 100% of his.” Weiss claimed that Deng had “moved very quickly into becoming a UN bureaucrat,” suggesting he had decided to maintain cordial relations with key actors in the UN and the major states. Deng’s previous trail-blazing work on internally displaced, Weiss argued, was a function of his position at the time as a Senior Fellow at the Brookings Institute, which gave him more freedom. Regarding Deng’s new role, Weiss stated, “He’s in a real comfort zone; the secretary-general’s not pushing him to do more, his [Advisory] Committee isn’t pushing him to do more, states would just as soon [prefer] he’d keep quiet.” Weiss claimed that the current UN Secretary-General Ban Ki-Moon “doesn’t want any noise or any waves,” while “Francis [Deng] doesn’t want anybody to be angry at him any of the time.” The combination of these approaches meant “[the OSAPG] is so behind the scenes that it’s invisible.”<sup>39</sup>

Sonner agreed that there were many within the NGO community who called for Deng to have a much more public profile. She argued that more should have been done to date in terms of public diplomacy and claimed that the OSAPG needed to engage in a “substantial amount of outreach.”<sup>40</sup> Reindorp acknowledged that the OSAPG had suffered from a lack of resources, and while she accepted that Deng’s preference was for quiet diplomacy, she argued that “there hasn’t been as much dynamism in the office, even in doing that.”<sup>41</sup>

Deng acknowledged that he is committed to a “quiet approach” and observed that, “obviously, you don’t see the results of the quiet approach as much.”<sup>42</sup> Accepting that there were many within the NGO community who disagreed with his approach, Deng defended his style by claiming it had proved its effectiveness during his time as representative of the United Nations Secretary-General on Internally Displaced Persons. He claimed that, “if I were to be seen as crying out loud, naming and shaming, talking about such a sensitive issue . . . I would not be invited by countries, doors would be closed, and I don’t see how I can help people if I cannot even go and see the country and engage the governments in a constructive dialogue.”<sup>43</sup> Deng

further argued that the results of his efforts were effectively doomed to invisibility for two reasons: First, successful preventative action necessarily stops something becoming a major issue and thus is less likely to attract attention. Second, behind-the-scenes diplomacy is by definition conducted in private and cannot be publicized if it is effective. Continuing, Deng noted, “The British ambassador was telling me just the other day, ‘You have really made an impact by approaching your mandate in a non-threatening way,’ but that is not visible to people. Nobody’s going to speak about it unless you go round and perhaps question member states about what they think about the work we’re doing.”<sup>44</sup> There is clearly a degree of logic to Deng’s defense of his methods. Nonetheless, when I asked Deng and his staff to identify where the OSAPG had had the greatest positive impact, which may not have been apparent to outsiders, their responses were evasive.<sup>45</sup>

The manner in which Deng has chosen to pursue his mandate is clearly of some concern. This is made all the more significant by virtue of the fact that there was general consensus that the potential utility of this office was, almost uniquely, a function of the Special Adviser’s capacity to speak out. Crawshaw argued that the OSAPG *had* to be outspoken to have any real effect and stated, “Once you’ve got that job title on your business card, you have to accept that is the job title on your business card and not everybody’s going to like you. So you can stop thinking that you can be everybody’s best friend. You won’t be and that’s impossible. . . . Yes, it’s a post which requires diplomacy in many contexts, but it also requires very robust speaking.”<sup>46</sup> Sonner noted that her organization initially supported the OSAPG because they believed the office would be “making the tough calls and really putting the pressure on member states to take action in situations that look like they’re moving towards genocide,” and thus they were disenchanted with Deng’s approach.<sup>47</sup> Reindorp asserted that the OSAPG had to do more than exclusively engage in behind-the-scenes work; she noted, “Have you got the person in the position that is best able to juggle the challenges between being the whistle-blower and being the advocate with governments? I don’t think so.”<sup>48</sup> Staff at the OSAPG, perhaps unsurprisingly, rejected this assertion; Stavropoulou argued, “a public statement can shut that many more doors in the short term, and in the long term make the mandate less effective, and I think NGOs don’t always realize that.”<sup>49</sup> NGOs, she claimed, tend to evaluate activity on the basis of the number of statements an office had made, and in the case of the OSAPG, this approach overlooked much of its work.

Deng and his staff were also keen to highlight the fact that their capacity to make public statements was dependent on the assent of the secretary-general. Stavropoulou recalled that there were times when the Special Adviser had wanted to speak out, but “it wasn’t always possible” because of opposition from the secretary-general.<sup>50</sup> Deng similarly stated,

Another very important thing that people miss is I am an arm of the secretary-general and everything I do, even when I want to make a statement or a press release or an op-ed, has to be cleared with the office of the secretary-general and very often, in fact on two or three occasions, they advised me against saying anything . . . on the Sudan, on Sri Lanka, on Myanmar. I think people miss this when they think I have my own autonomous standing . . . I’m not an independent voice of humanity; I am a tool of the secretary-general.<sup>51</sup>

While this subservience to the secretary-general, himself widely considered overly cautious, appears to support Weiss’s view on the impact of Deng’s personality, Castro Wesamba, Political Affairs Officer within the OSAPG, argued that the OSAPG did

not acquiesce with the secretary-general's caution in every instance, and noted that there were occasions when "we have really come out very strongly within the UN system and said, 'There's no way the Special Adviser's going to keep quiet about this.'"<sup>52</sup> Despite this apparent unwillingness to tow the line in every case, it is difficult to identify anything controversial or even strongly-worded in any of the statements released by the OSAPG. It seems clear that the combination of a very cautious secretary-general and a Special Adviser, who by nature seeks to maintain cordial relations with everyone, has had an impact on the public profile of the OSAPG.

While the relatively low profile of the OSAPG was overwhelmingly attributed to the approach taken by Deng, Sonner did highlight another possible explanation. She speculated that Deng's caution had much to do with the fact that his predecessor had once been embarrassingly barred from addressing the Security Council.<sup>53</sup> This incident occurred on 10 October 2005 when, according to Hamburg, the then US Ambassador to the UN, John Bolton, literally marshaled Mendez out of the room before a meeting of the Council.<sup>54</sup> Clearly this public denigration of the OSAPG did little to enhance its status and, as Sonner suggests, there appears to be evidence that Deng was influenced by this incident. He stated that "my approach, which some NGOs were uneasy with, is not to press [the Security Council]. When I came on board I said, 'Look, if I come out loudly knocking at the door and the door is closed, what good is it? I'm just going to create tension between my office and the Security Council.'"<sup>55</sup> Deng has certainly not formally engaged with the Security Council as much as many would like, with Weiss and Sonner particularly critical of his reluctance to do so. Crawshaw observed that Mendez had been highly critical of the Security Council's ability, and evident willingness, to block the Special Adviser from addressing meetings of the Council.<sup>56</sup> In his final report as Special Adviser, Mendez advised that the mandate of the OSAPG be strengthened to ensure that the right to address the Council be clarified. This amendment to the mandate has not occurred.<sup>57</sup>

This capacity to address the Council has been cited as one of the OSAPG's most significant powers.<sup>58</sup> The reluctance on the part of members of the Security Council, both permanent and non-permanent, to allow the Special Adviser access clearly undermines the potential of this aspect of the OSAPG's mandate, and thus, in practice, the mandate of the OSAPG is not a mechanism that ensures warnings are *always* conveyed to the Security Council.<sup>59</sup> Nonetheless the potential for the Special Adviser to address the Security Council is cited by OSAPG staff as "a major achievement in itself," which differentiates the OSAPG from NGOs and other UN bodies.<sup>60</sup> Stavropoulou argued that while Deng had not pushed to exercise this privilege, "there are different ways of engaging the Security Council. It doesn't have to be through the submission of a report in a formal way or through a formal hearing. It can be through informal contacts with the members, informal contact with the President. There are many different ways of communicating in a fashion that won't be threatening and therefore will result in rejection."<sup>61</sup> Deng, indeed, suggested that formally addressing the Council was of limited utility. He stated, "Every time an issue is brought to the Security Council, you can predict ... how Russia, China, and the others will vote. This is another consideration when it comes to my relationship with the Security Council; if you go there and say, 'I am here concerned about what's happening in this or that country,' not only are you raising the stakes but you're also generating controversy because you are going to get one member or another of the P5 to defend that country."<sup>62</sup> In addition to this question about the utility of

addressing the Council, there is the issue of the novelty of this provision. It is indeed true that there are few offices within the UN, and fewer outside it, that can address the Council directly. Yet, it is not the case that without this privilege the perspectives of certain groups can never be heard at Council meetings. Under Article 99 of the Charter, the secretary-general can automatically address the Council; while this provision is rarely used, it is conceivable that the secretary-general may bring details of a report by a particular UN office or even an NGO to the Council's attention. In this sense, the capacity of the OSAPG to present to the Council may not be as significant as it first appears. I put this to the staff at the OSAPG; Wesamba replied, "Okay, yes, [a report by an NGO] can be raised. The secretary-general can brief the Security Council directly about Situation X, of which the information has come from the Red Cross or some other NGO." He added, however, that a report from the OSAPG would be different because "it creates responsibilities . . . I think it creates expectations and that's the difference." Given that the Council had agreed to the establishment of the OSAPG, he argued, a briefing by the Special Adviser "creates obligations."<sup>63</sup>

The fact that the Security Council has been less than enthusiastic about hearing reports from the OSAPG is not altogether surprising. What was perhaps more surprising was that OSAPG staff, including the Special Adviser himself, claimed that there was opposition to the OSAPG from within the UN bureaucracy itself. Deng asserted that there were a number of times when he sought to have an input into the UN's response to a certain intrastate situation and "the first line of resistance was from our own people." Deng stated that as his office did not have independent information-gathering capacity, the OSAPG was reliant on other offices within the UN to provide them with information. He noted, however, that "there are entities, even within the UN, that consider this type of information confidential and they are guarding their own interests . . . We are supposed to get the information from within the UN, primarily from within the UN. Yet we get more information from outside the UN because NGOs are willing, and scholars are willing to give us what they know. The system itself is not that collaborative."<sup>64</sup> Deng specifically cited the cases of the Democratic Republic of Congo in 2008 and Sri Lanka in 2009 as instances when his involvement was greeted with hostility from within the UN system. Deng recalled that he became particularly frustrated when his involvement in Sri Lanka was questioned and he told a meeting of the secretary-general and his senior staff, "You say that the office has no say? When will it ever be in a position to say anything about any country?"<sup>65</sup> Both Deng and his staff stated that their presence at UN meetings on a particular country situation invariably led to raised eyebrows as other offices assumed that the OSAPG would concern itself only with instances of genocide.<sup>66</sup> In fact, the opposite is the case; the OSAPG, as one might indeed guess from the title, is concerned with *preventing* genocide rather than identifying it. In fact, the Special Adviser is not mandated to decree that genocide is taking place.

While it may at first seem curious that the UN system itself has proved to be reluctant to engage with the OSAPG, and has at times evidently been hostile toward it, this may be more comprehensible when one assesses the nature of bureaucracies in general. Michael Barnett's highly critical analysis of the UN's response to the Rwandan genocide is notable for his claim that, while the UN's response was unquestionably deeply flawed, it was, "grounded in ethical considerations."<sup>67</sup> Clearly these considerations did not privilege the suffering Tutsis, and thus the basis for the ethical considerations that informed the decision to react to the genocide in such a manner must be found elsewhere. Barnett argues that the UN, like all

bureaucracies, has developed “a discourse and formal and informal rules that shape what individuals care about and the practices they view as appropriate, desirable, and ethical in their own right.”<sup>68</sup> Thus, in 1994 the priority, perversely, within the UN was not the plight of the Tutsis, but rather “the health of the UN.”<sup>69</sup> The growth and suffocating pervasiveness of the bureaucratic ethical code creates a situation where those charged with serving certain individuals and groups outside the organization actually de-prioritize this formal role in favor of a determination to preserve the integrity of the system. Hence, the establishment of the OSAPG can be seen as constituting a challenge to the status quo within the UN bureaucracy, and it is, therefore, entirely predictable that those people long socialized into the UN bureaucratic mindset and its insular priorities would seek to protect the status quo and undermine and isolate the OSAPG. Of course, this hostility to the OSAPG, and indeed any ostensible challenge to the status quo and prevailing bureaucratic culture, will dissipate if the OSAPG itself internalizes the dominant cultural norms and ethical priorities. As explored later in this article, there is evidence to suggest that the OSAPG has already sought to integrate with the existing system rather than act as a challenge to it. Indeed, according to Thomas Weiss, “[Deng has] moved very quickly into becoming a UN bureaucrat, ‘recognizing all the constraints that exist,’ blah, blah, blah, and he is no longer on the outside.”<sup>70</sup>

The misperception about the OSAPG’s mandate has had an impact on its relations with states as well as other UN offices. It is perhaps understandable that states will be somewhat resistant to engaging with “The Special Adviser on the Prevention of Genocide” given the negative implications that will invariably arise. Indeed, Weiss remarked, “If you were coming to my country and you said, ‘I’m the Adviser on the Prevention of Genocide,’ the idea that I would welcome you with open arms is clearly not a solid place to start.”<sup>71</sup> Stavropoulou also admitted, “The closer we get to a country, the more difficult it becomes for apparent reasons.”<sup>72</sup> Paragraph 140 of the 2005 World Summit *Outcome Document* commits all states to “fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide,” although whether this is honored in practice is open to debate. This lack of cooperation appeared to have been evident in late 2008 when a visit to Burundi was canceled when the government claimed to be unable to provide an official to meet the Special Adviser.<sup>73</sup> Wesamba, however, claimed that “there’s not any substantive evidence that states don’t like to engage with the Special Adviser” and argued that the case of Burundi was an exception.<sup>74</sup> Since the establishment of the OSAPG, the situation in Darfur has arguably been the most serious intrastate crises of a potentially genocidal nature. On 19 September 2005, the then Special Adviser Juan Mendez visited Sudan and noted in his report, “The government of Sudan extended its cooperation to me during the course of the visit.”<sup>75</sup> This suggests that even certain states widely denounced as engaging in genocide appear willing to engage with the OSAPG, or perhaps, it suggests only that the OSAPG has acquired a status that precludes states from being seen to actively ignore it.

Deng noted that his work was also hampered by a reluctance among certain powerful states to engage with the OSAPG, claiming, “those who would be called upon to intervene to stop [genocide], tend to be resistant to discussing this issue.”<sup>76</sup> Many such states are keen to play down the scale of crises and feel that the OSAPG’s presence would attract attention and create a momentum in favor of action. Deng recalled that it had been suggested that his title be changed to “Special Adviser on the Prevention of Genocide and Mass Atrocities”<sup>77</sup> and also that he be made a “Representative” rather than a “Special Adviser.” This was rejected, Deng

maintained, by Russia, which led a campaign and mobilized many other countries to oppose any expansion of the OSAPG's mandate or further upgrade in its status. This, he argued, was because Russia feared that this would lead to rebel groups achieving disproportionate publicity for their cause and the creation of more pressure for some response from the Security Council. Nonetheless, while his mandate has not formally been expanded and there remains significant support among states for him to concern himself only with genocide, Deng stated, "I see my mandate in a broader sense ... I am not focusing on the legalistic definition of genocide and nor am I guided only by that narrow definition."<sup>78</sup>

### **"A Waste of Time, and Energy, and Money"?**

Those directly connected with the OSAPG argued that it was too early to form an accurate appraisal of the office. They argued that it had really only been active since early 2008, as previously the part-time nature of the job, the lack of resources, and the minimal staff had hampered its effectiveness. Nonetheless, it was clear from the interviews with those outside the OSAPG that strong opinions as to the utility of the OSAPG had already been formed.

In his summation, Weiss asserted, "Frankly, I think this office is a waste of time, and energy and money." Evidence that the OSPAG has achieved any results is, according to Weiss, "totally lacking."<sup>79</sup> As noted previously, much of the blame for this has been attributed to the personality and style of Deng. While everyone interviewed spoke highly of Deng's intellect, character, and experience, all those not working directly with the OSAPG were critical of his appointment on the basis that his "behind-the-scenes" approach was ill-suited to this role.<sup>80</sup> In assessing this question it is necessary to reiterate the fact that preventative diplomacy by definition does not produce spectacular results. As Payam Akhavan notes "The Special Adviser has a thankless job. His success in early warning and prevention is necessarily measured in terms of what *does not* happen."<sup>81</sup> Additionally, the OSAPG's mandate commits it to act "without excessive publicity" and, therefore, while NGO's and others may believe that the OSAPG should act as an alarm bell, this is not actually its official remit.<sup>82</sup>

It seems, however, that the utility of this "early warning" mechanism *should* be to act as the "alarm call" that many interviewees suggested. Behind-the-scenes diplomacy is not in itself inherently ineffective and clearly there is a place for just such a style. Yet, arguably, the UN secretary-general and the Red Cross already fulfill this role, and it does not seem logical to adopt this approach for this particular office. The office has not improved the information-gathering capacity of the UN and hence its utility lies in its capacity, as Crawshaw argued, to fast track information from other sources through the UN system.<sup>83</sup> This would be most effectively done in a public way, meaning the Special Adviser would formally submit reports, give presentations, produce statements, etc., to maximize the impact of any particularly worrying information. If the information handled by the OSAPG is quietly and unofficially disseminated, this then has an impact on its capacity to create a momentum in favor of action. Deng acknowledged that states involved in activities deemed to be potentially genocidal, or likely to lead to genocide, are uncomfortable with discussing their situation in public for fear of external intervention. He additionally noted that states with either the capacity to intervene or the mandate to take action—or both in the case of the P5—are also happy to bury bad news for fear that they will be called upon to take action. How then, will Deng's "quiet approach" convince either the state involved in the deteriorating situation, or those states most

likely to be called upon to respond, to take action to prevent an explosion of violence? None of the reports about the Rwandan genocide concluded that effective action would have occurred if the dire warnings issued before the genocide, by Ndiaye and Dallaire, for example, had been relayed through the UN system in a “quiet” manner. Indeed, by late April 1994, some three weeks after the Rwandan genocide began, representatives of the Czech Republic, Spain, New Zealand, and Argentina pressed the Secretariat to make public the information it had. The failure of the Secretariat to do so convinced these countries to look beyond the Secretariat for information and the information they eventually received convinced them that genocide was occurring and they publically called for more robust action, thereby significantly increasing the pressure on the P5 to act. As Nicolas Wheeler notes, the eventual public clamor to do something, particularly in France, eventually led to action being taken, albeit disastrously late and possibly in a counter-productive manner.<sup>84</sup> To discuss deteriorating situations—so grave that they bear the hallmarks of potential genocide—informally with a view to maintaining cordiality cannot by definition generate a momentum in favor of action. Behind-the-scenes informal briefings leave no paper trail and thus facilitate the excuse, often offered after a crisis, that “we didn’t know how bad things were.”<sup>85</sup>

Of course, generating momentum does not guarantee effective or timely action; the campaign to take robust action in Darfur was a huge success in terms of mobilizing international opinion and forcing the issue onto the agenda of the Security Council and yet it is now routinely argued that action taken in response to this campaign was manifestly inadequate.<sup>86</sup> This has obvious implications for the approach adopted by Deng; if a massive campaign in favor of international action can fail to convince states to act then it seems fair to conclude that a “quiet approach” will be less likely to succeed. As Weiss remarked, “Logically speaking, if you can’t even get people mobilized to do something in the midst of a crisis, the idea that somehow even before you have a crisis, they’re all going to align and put money on it seems to me to be against the nature of human beings and certainly against the nature of the interstate system.”<sup>87</sup> Of course, there are notable examples of effective international preventative action such as the UN Preventative Deployment Force stationed on the Macedonian/Serbian border from 1992 to 1999. Yet the history of the international response to intra-state crises undoubtedly suggests a reactive disposition despite the fact that proactive preventative action is not only likely to save lives, but is also significantly cheaper than action taken once violence has erupted.<sup>88</sup>

Deng, however, argued that while his methods were decried by NGOs, they had proven their effectiveness during his time as Representative of the United Nations Secretary-General on Internally Displaced Persons. Yet Weiss claimed that much of Deng’s undoubted success in his previous role was a function of his semi-independence from the UN bureaucracy, as he was also an academic at the time.<sup>89</sup> Deng himself acknowledged that while working on internally displaced persons, there were times when he exploited the freedom of his academic position to take certain actions that would have been impossible for a UN bureaucrat.<sup>90</sup> Given that Deng no longer has the second hat as an academic, he cannot rely on the counter-tactic to the quiet approach he feels being a UN official requires him to adopt. In any event, Deng and his staff argued that the OSAPG *had* exercised significant influence at certain times, though this was necessarily largely impossible to see given that the work was done behind-the-scenes, and by definition it produces results you do not see. Nonetheless, none of those working with the OSAPG identified a

particular case as an example of the OSAPG's effectiveness, and it is difficult not to conclude that this is indicative of the OSAPG's modest influence.

Yet, there is arguably a bigger concern regarding the efficacy of the OSAPG; the utility of the office is premised not on a belief in the benevolence of statesmen, but rather on an assumption that they fear shame. Stavropoulou claimed that a formal report by the OSAPG becomes part of the public record and serves as a deterrent to inaction as there will be a permanent record of the Special Adviser's warnings. She noted, "If, God forbid, another Rwanda happens and if this office has done its job properly, then it must have been able to identify what was going on, what was coming . . . It will have brought this to the attention of the secretary-general and the Security Council and if no action is taken, then the responsibility and the accountability is very precisely located."<sup>91</sup> Similarly, Wesamba argued that a report from the OSAPG created "obligations." When pressed to identify what these "obligations" were, given that there is no mention of any obligation incumbent upon the Security Council to even listen to the Special Adviser let alone act on his recommendations, Wesamba argued that these were obligations in the sense that they created normative pressure rather than legal compulsions to act.<sup>92</sup> Deng himself argued, "[By establishing the OSAPG] we are sharpening our sensitivity to these issues and the resolve of the international community to act. Every time we say 'Never again!' and it happens again, the level of guilt rises and as the level of guilt rises, the level of resolve to do something about it before the next time increases."<sup>93</sup> Given recent history, this would appear to be a perspective born more from hope than experience. After the genocide in Rwanda, statesmen around the world lamented their response and "Never Again!" was once again widely and loudly proclaimed. Yet, in his assessment of the response to the crisis in Darfur, Kofi Annan noted, "We were slow, hesitant, uncaring and we had learnt nothing from Rwanda."<sup>94</sup> This clearly doesn't correlate with Deng's claim. States appear to have little compunction about ignoring or equivocating about a looming or actual genocide unless they have significant national interests involved. National interests are not immutable, of course, and there is some evidence that pressure to act, either from NGOs, domestic publics or UN organs, can influence states to alter their stance on a particular issue. Nonetheless, it seems unlikely that an office that the Security Council is empowered to ignore, led by a Special Adviser who has chosen to adopt a "quiet approach" and restrained from speaking out by a cautious secretary-general, will be able to generate the requisite pressure to convince those states with the power and authority to mandate preventative action to fundamentally alter their foreign policies.

## **Conclusion**

The UN internal inquiry into the organization's response in 1994 presented fourteen recommendations for UN reform, the fourth of which stated, "The early warning capacity of the United Nations needs to be improved through better cooperation with outside actors including NGOs and academics as well as within the Secretariat."<sup>95</sup> The OSAPG appears to be a tangible manifestation of this recommendation and on that basis its establishment is to be welcomed. It has been championed by both the current and former secretary-general as a highly significant innovation and the importance of its mandate is obvious. To date, however, it has not been subjected to focused academic analysis and information about the working of the office and perceptions as to its effectiveness are largely absent from academic literature. This article has sought to address this gap and is based on a unique series of interviews with leading figures within the OSAPG and informed observers outside it. The

findings of this research are illustrative of the views of NGOs and the OSAPG itself. It would be additionally instructive to undertake research into the perspectives of various nations on the OSAPG and, though this is beyond the scope of the current article, it is a future aim.

Deng recalled that when he was asked to take up the position of Special Adviser he felt it was “a call of duty and a service to humanity that I could not take lightly,” though he admitted, “I quickly went from being flattered and honored, to worrying ‘what have I got myself into in taking on this huge responsibility?’”<sup>96</sup> Deng and his staff’s commitment to the OSAPG appears to be beyond question and their genuine enthusiasm for the OSAPG can only be beneficial. This enthusiasm, however, is not widely shared.

The “quiet approach” adopted by Deng does have some support and should not be disregarded as fundamentally flawed.<sup>97</sup> Nonetheless, while behind-the-scenes diplomacy can be effective, it is criticized as an inappropriate method for this office. All those interviewed working outside the OSAPG argued that the Special Adviser should become a much more public figure and act as a vocal warning mechanism. Yet, given the nature of the mandate, a compromise between Deng’s approach and that advocated by the interviewees would arguably be best advised. Without becoming a media-friendly mouthpiece, the Special Adviser could maintain a demeanor of calm analysis, rather than adopting a combative, accusatory approach based on a worse-case-scenario reading of information. He could increase the profile of the OSAPG by seeking to exploit its capacity to address the Security Council. Failure to avail himself of this aspect of the mandate constitutes a lost opportunity to raise the profile of the OSAPG, but more importantly, engaging more formally with the Council creates a formal record of warnings issued to the P5, which could undermine any subsequent claims that information about a particular situation was lacking. This is not to support the claims made by Stavropoulou that the OSAPG could somehow “shame” the P5 into acting, but it does constitute the basis for generating some degree of leverage; action of this type by the OSAPG will be highly unlikely in and of itself to convince the Security Council to take preventative action, but in conjunction with other factors, it could contribute to building momentum. Acting more in the public sphere would additionally raise the profile of the OSAPG within the UN itself, where it is clear there is a lack of information about the office. Many of those who do know of its existence, evidently harbor a degree of hostility toward it.

The central issue in the quest to prevent genocide is the mobilization of political will. The UN’s inquiry into the Rwandan genocide claimed that the “fundamental failure” was “a persistent lack of political will.”<sup>98</sup> Overcoming this barrier constitutes an enormous task that should not be deemed the responsibility of the OSAPG alone. The interviews conducted with staff at the OSAPG highlighted that states are reluctant to discuss genocide—actual or apprehended—for fear that they may be called upon to act. Clearly this disposition among states creates a far from propitious context in which the OSAPG is tasked with executing its mandate. The fact that the Special Adviser cannot automatically address the Security Council is perhaps indicative of the P5’s desire to manage the flow of information it is formally exposed to. The former Special Adviser—Juan Mendez—suggested reforming the mandate of the OSAPG so that the right to address the Council could not be vetoed and this would be a potentially highly significant strengthening of the OSAPG’s powers. Yet, even with this reform of the OSAPG’s mandate, there is no guarantee that the spectacle of inertia in the face of mass tragedy, which has so degraded the status of the UN in the past, will not happen again. As Secretary-General Ban Ki-Moon noted

in his 2009 report, “[T]he crucial element in the prevention of genocide remains responding to concerns, once these have been communicated.”<sup>99</sup> The current secretary-general has expressed his commitment to the office and there appears to be no danger that it will be dissolved in the near future. Whether the OSAPG can ever be effective given its restrictive mandate, the style of the current incumbent, and the perennial problem posed by the lack of political will, especially amongst the P5, will become more evident in the next five years as crises inevitably arise and the OSAPG’s influence—or lack thereof—becomes more evident.

## Notes

1. Thomas Weiss, “Halting Genocide: Rhetoric versus Reality,” *Genocide Studies and Prevention* 2, no. 1 (2007): 7.
2. Bertrand G. Ramcharan, *Preventive Diplomacy at the UN* (Bloomington: Indiana University Press, 2008), 180; David Hamburg, *Preventing Genocide* (Boulder, CO: Paradigm, 2008), 226.
3. See Michael Barnett, *Eyewitness to a Genocide* (Ithaca, NY: Cornell University Press, 2002), 130–52.
4. *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, UN Security Council, UN Doc. S/1999/1257 (15 December 1999), 54–55.
5. *Report of the Secretary General on the Prevention of Armed Conflict*, UN Security Council, UN Doc. A/55/985–S/2001/574 (7 June 2001), 12.
6. Hamburg, *Preventing Genocide*, 224.
7. “Letter dated 12 July 2004 from the Secretary-General to the President of the Security Council,” Kofi Annan, UN Doc. S/2004/567 (12 July 2004), <http://daccessdds.un.org/doc/UNDOC/GEN/N04/424/63/PDF/N0442463.pdf?OpenElement>.
8. The exception being Payam Akhavan, *Report on the Work of the Office of the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide* (Montreal: McGill University, Faculty of Law, 7 November, 2005), [www.un.org/preventgenocide/adviser/public.shtml](http://www.un.org/preventgenocide/adviser/public.shtml) (accessed 25 September 2009). This report, commissioned by the OSAPG, constitutes a very comprehensive and uniquely focused analysis of the OSAPG. It is, however, some four years out of date and thus does not provide information on the significant recent changes to the status and personnel within the OSAPG that took place in 2007.
9. The author would like to thank the Nuffield Foundation for providing a research grant for these interviews.
10. See, for example, Henry R. Huttenbach, “From the Editors: Genocide Prevention: Sound Policy or Pursuit of a Mirage?” *Journal of Genocide Research* 10, no. 4 (2008): 471–73. Additionally the eminent historian Roland Wright speculates that our evolution is a function of genocide and thus the disposition to commit genocide may be intrinsic to our genetic makeup. Roland Wright, *A Short History of Progress* (Edinburgh: Canongate, 2006), 25.
11. Aidan Hehir, *Humanitarian Intervention* (Hampshire: Palgrave Macmillan, 2010), 181.
12. See for example, Christopher Clapham, “Rwanda: The Perils of Peacemaking,” *Journal of Peace Research* 35, no. 2 (1998), 200; John Mayall, “Humanitarian Intervention and International Society: Lessons From Africa” in *Humanitarian Intervention and International Relations*, ed. Jennifer Welsh (Oxford: Oxford University Press, 2006), 136; Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2002), 214; Anne Orford, *Reading Humanitarian Intervention* (Cambridge: Cambridge University Press, 2003), 85.
13. Nonetheless, I did put this view to Professor David Hamburg. His response was that the international engagement with Rwanda prior to the genocide was “trivial,” stating that “what was there in Rwanda [prior to the outbreak of violence] was all chaotic. They

- didn't know what to do. Yeah, there were people there, but it was not well thought out, well organized ... They made an effort and good for them. They made an effort. It was a poorly informed effort, poorly coordinated effort, and it had a lot of undermining influences, from France, from Belgium, from the United States ... There's no guarantee [that preventative diplomacy works]; it's the best you can do." Interview with David Hamburg, Chairman of the OSAPG Advisory Committee, New York, 18 August 2009.
14. Interview with Heather Sonner, International Secretariat of the Institute for Global Policy, New York, 18 August 2009.
  15. Interview with Steve Crawshaw, Human Rights Watch's United Nations Advocacy Director, New York, 17 August 2009.
  16. Interview with Nicola Reindorp, Director of Advocacy at the Global Centre for the Responsibility to Protect, New York, 19 August 2009.
  17. Ibid.
  18. Interview with Maria Stavropoulou, Political Affairs Officer, OSAPG, New York, 21 August 2009.
  19. For details of the information contained in this cable, see Romeo Dallaire, *Shake Hands with the Devil* (London: Arrow Books), 142–46. The full text of the cable is available at <http://www.pbs.org/wgbh/pages/frontline/shows/evil/warning/cable.html> (accessed 17 September 2009).
  20. Interview with Steve Crawshaw, 17 August 2009. This is not a perspective shared by all, however. According to Michael Barnett, UN officials with the capacity to influence events failed to meet their responsibilities. The Department of Peacekeeping Operations failed to inform the Security Council about Dallaire's cable warning of imminent mass ethnic killings; Secretary General Boutros Boutros-Ghali was "positively anaemic," and within the Secretariat, civil servants were, he claims, "timid, indecisive, and deceitful." The UN, he concludes, "responded to the genocide with willful ignorance and indifference," Barnett, *Eyewitness to a Genocide*, 3–4.
  21. Interview with Heather Sonner, 18 August 2009.
  22. Interview with Nicola Reindorp, 19 August 2009.
  23. Interview with Francis Deng, Special Adviser on the Prevention of Genocide, New York, 20 August 2009.
  24. Ibid.
  25. Ibid.
  26. For further information on this report, and the UN's reaction to it, see *Report of the Secretary-General on the Implementation of the Five Point Action Plan and the Activities of the Special Adviser on the Prevention of Genocide*, UN Doc. E/CN.4/2006/84 (9 March 2006), 17.
  27. Interview with Francis Deng, 20 August 2009.
  28. Interview with Maria Stavropoulou, 21 August 2009.
  29. Interview with Professor Thomas Weiss, Director of the Ralph Bunche Institute for International Science, New York, 19 August 2009.
  30. Gareth Evans is a prominent advocate of the idea of a "Responsibility to Protect" and a member of the OSAPG Advisory Committee.
  31. Interview with Thomas Weiss, 19 August 2009.
  32. Interview with Heather Sonner, 18 August 2009.
  33. Interview with Maria Stavropoulou, 21 August 2009.
  34. Interview with David Hamburg, Chairman of the OSAPG Advisory Committee, 18 August 2009.
  35. Ibid.
  36. Interview with Francis Deng, 20 August 2009.
  37. Interview with Maria Stavropoulou, 21 August 2009.
  38. One possible explanation for this is the extent to which UN organs, according to Michael Barnett, have become highly subservient to the "whims of the volatile Great Powers." In the face of their apparent inability to act without the consent of the Great Powers, UN

- bodies have consciously constructed a self-image whereby they are “servants and subordinates” and adopted a *modus operandi* orientated toward “a highly cautious approach.” Barnett, *Eyewitness to a Genocide*, 10.
39. Interview with Thomas Weiss, 19 August 2009.
  40. Interview with Heather Sonner, 18 August 2009.
  41. Interview with Nicola Reindorp, 19 August 2009.
  42. Interview with Francis Deng, 20 August 2009.
  43. Ibid.
  44. Ibid.
  45. Stavropoulou did say that one of the most significant achievements was rebuilding the relationship with the Security Council, which had broken down completely during the tenure of Juan Mendez. Interview with Maria Stavropoulou, 21 August 2009.
  46. Interview with Steve Crawshaw, 17 August 2009.
  47. Interview with Heather Sonner, 18 August 2009.
  48. Interview with Nicola Reindorp, 19 August 2009.
  49. Interview with Maria Stavropoulou, 21 August 2009.
  50. Ibid.
  51. Interview with Francis Deng, 20 August 2009.
  52. Interview with Castro Wesamba, Political Affairs Officer OSAPG, New York, 21 August 2009.
  53. Interview with Heather Sonner, 18 August 2009.
  54. Interview with David Hamburg, 18 August 2009. For more information on the specifics of the Council’s refusal to allow Mendez access in October 2005, see Akhavan, *Report on the Work of the Office of the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide*, 6; and, Lee Feinstein, *Darfur and Beyond: What is Needed to Prevent Mass Atrocities*, Council on Foreign Relations, Council Special Report No. 22 (Washington, DC: Brookings Institution Press, 2006), 15–16.
  55. Interview with Francis Deng, 20 August 2009.
  56. Interview with Steve Crawshaw, 17 August 2009.
  57. Stavropoulou in fact noted, “I don’t think anybody wants [the right to address the Council] to be automatic.” Interview with Maria Stavropoulou, 21 August 2009.
  58. United Nations Association of the United States of America, *Strengthening the United Nations’ Capacity to Prevent Genocide: A Project Report of the United Nations Association of the United States of America on Supporting the Special Adviser to the Secretary-General on the Prevention of Genocide* (New York: UNA-USA, 2006), 3. This, however, is not a view shared by David Hamburg; he claimed that the Council was dominated by particular interests and argued, “the more you can avoid the Security Council the better.” Interview with David Hamburg, 18 August 2009.
  59. J. Dieter, “Humanitarian Intervention and the Prevention of Genocide,” *Journal of Genocide Research* 10, no. 2 (2008): 301.
  60. Interview with Maria Stavropoulou, 21 August 2009.
  61. Ibid.
  62. Interview with Francis Deng, 20 August 2009.
  63. Interview with Castro Wesamba, 21 August 2009.
  64. Interview with Francis Deng, 20 August 2009.
  65. Ibid.
  66. Stavropoulou stated, “[At meetings of states where OSAPG raises concerns], the first question always is, ‘Why do you think that this is genocide?’ because people, no matter how often you repeat what the work of the office is all about, they always think that you’re making a pronouncement about genocide.” Interview with Maria Stavropoulou, 21 August 2009.
  67. Barnett, *Eyewitness to a Genocide*, 4.
  68. Ibid, 5.
  69. Ibid, 10.

70. Interview with Thomas Weiss, Director of the Ralph Bunche Institute for International Science, 19 August 2009.
71. Interview with Thomas Weiss, 19 August 2009.
72. Interview with Maria Stavropoulou, 21 August 2009.
73. *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General: Efforts of the United Nations System to Prevent Genocide and the Activities of the Special Adviser to the Secretary-General on the Prevention of Genocide. Report of the Secretary-General, Human Rights Council, UN Doc. A/HRC/10/30* (18 February 2009), 13.
74. Interview with Castro Wesamba, 21 August 2009. Wesamba also argued that the Burundian government *had* engaged indirectly with the OSAPG, but the week of the visit did not suit due to “internal dynamics” related to the government’s dealings with the armed opposition group, the Forces for National Liberation.
75. Juan Mendez, *Report of the Special Adviser on the Prevention of Genocide: Visit to Darfur, Sudan, 19–26 September 2005* (4 October 2005), <http://www.h-net.org/~genocide/docs/mendez-report.pdf> (accessed 25 September 2009).
76. Interview with Francis Deng, 20 August 2009.
77. Curiously, the title on the door of the office where the OSAPG is based reads “Special Adviser of the Secretary-General on the Prevention of Genocide and Mass Atrocities.”
78. Interview with Francis Deng, 20 August 2009.
79. Interview with Thomas Weiss, 19 August 2009.
80. Interestingly, David Hamburg noted that Deng was the first choice of the Advisory Committee when Mendez signaled his desire to relinquish the post. Interview with David Hamburg, 18 August 2009.
81. Akhavan, *Report on the Work of the Office of the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide*, 11.
82. “Letter dated 12 July 2004 from the Secretary-General to the President of the Security Council,” 2.
83. Interview with Steve Crawshaw, 17 August 2009.
84. Nicholas Wheeler, *Saving Strangers*, 236–41.
85. Indeed, this was President Clinton’s excuse for his administration’s lack of action in 1994. During a visit to Rwanda in 1998 he stated, “It may seem strange to you here . . . but all over the world there were people like me sitting in offices, day after day after day, who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror.” See “Clinton in Africa: Clinton’s Painful Words of Sorrow and Chagrin,” *New York Times*, 26 March 1998. This excuse—that the US simply didn’t know how bad things were—has been refuted by many; see, for example, Rory Carroll, “US Chose to Ignore Rwandan Genocide,” *The Guardian*, 31 March 2004; S. Power, “By-Standers to Genocide,” *The Atlantic*, September 2001.
86. See for example, Human Rights Watch, Human Rights First, and Save Darfur, “Rhetoric vs. Reality: The Situation in Darfur” (December 2008), [http://www.hrw.org/sites/default/files/related\\_material/darfur1208.pdf](http://www.hrw.org/sites/default/files/related_material/darfur1208.pdf).
87. Interview with Thomas Weiss, 19 August 2009.
88. See Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report* (New York: Carnegie Corporation, 1997), <http://www.wilsoncenter.org/subsites/ccpdc/pubs/rept97/finfr.htm>.
89. Interview with Thomas Weiss, 19 August 2009.
90. Interview with Francis Deng, 20 August 2009.
91. Interview with Maria Stavropoulou, 21 August 2009.
92. Interview with Castro Wesamba, 21 August 2009.
93. Interview with Francis Deng, 20 August 2009.
94. Quoted in David Fisher, “Humanitarian Intervention,” in *The Price of Peace*, ed. Charles Reed and David Ryall (Cambridge: Cambridge University Press, 2007), 103.

95. *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, Security Council, UN Doc. S/1999/1257 (15 December 1999), 53.
96. Interview with Francis Deng, 20 August 2009.
97. For a defense of this approach, see Ramcharan, *Preventive Diplomacy at the UN*, 184.
98. *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, 3.
99. *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General*, 17.

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# Reconciliation and Justice after Genocide: A Theoretical Exploration

**Geneviève Parent**  
**Laurentian University**

*This article argues that the post-conflict reconciliation process is undermined by the importance given to the retributive form of justice dominating peacebuilding and transitional justice measures. Retributive justice reinforces the division between perpetrator and victim, thus undermining the reconciliation process between antagonistic parties. The so-called objective categories of perpetrator and victim, so crucial for the administration and management of most peacebuilding measures, underestimate the individual and collective psychological dimension and intersubjective effects that these categories have upon the healing and reconciliation processes. The significance of the psychological dimension of reconciliation suggests a restorative justice approach that emphasizes the subjective and intersubjective meanings of justice and reconciliation. The case of post-genocide Rwanda will be used to show how the retributive justice approach can undermine the reconciliation process.*

*Key words: reconciliation, genocide, restorative justice, retributive justice, psychological healing*

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Transitional justice refers to a number of peacebuilding measures that are internationally, nationally, and/or locally rooted, such as international tribunals, amnesties, truth commissions, criminal trials, reparation programs, and memorials. Despite these various efforts and despite the growing body of literature on transitional justice, it remains unclear if and how these activities contribute to post-conflict reconciliation processes. This article seeks to contribute to the discussion through an interdisciplinary reading of the relationship between the form of justice being administered and post-conflict reconciliation, notably through an exploration of the significance of the psychological dimension in post-conflict societies.

The article begins by discussing reconciliation, and how the concept relates crucially to the concept of justice. In view of the former's function in post-conflict peacebuilding settings, there is a critical need to refine the vague and confusing reconciliation concept and to discuss its relationship to the concept of justice. The increasingly prevailing "retributive" form of justice of contemporary peacebuilding efforts, it is argued, produces an unnecessary paradox or misleading choice between dispensing justice and promoting peace and reconciliation (the famous justice versus peace "dilemma"). A "restorative" form of justice, on the other hand, can promote both justice and reconciliation. It is argued that the rigid and static victim and perpetrator labels not only poorly reflect fluid and changing sets of identities (e.g., victim, defender, caretaker, perpetrator, hero, mother, father) but also lead to increasing animosity between antagonistic groups. The argument presented here thus emphasizes the psychological and intersubjective dimensions of civil war and genocide survivors' experiences that have to be taken into account to guarantee the

success and durability of the reconciliation process. It will also examine the conflictual nature and dynamics of reconciliation so as to underline how reconciliation can be influenced by the form of justice privileged in transitional periods. To ignore these aspects is to seriously jeopardize the medium and long-term prospects of reconciliation processes.

## **Post-conflict Reconciliation**

How can reconciliation be possible? It is very difficult. I cannot reconcile with the person who killed members of my family. He cannot bring them back, he cannot erase the pain . . . Nothing of them (family members) is left. It is as if they never existed.<sup>1</sup>

In spite of extensive interest in post-conflict reconciliation, the concept remains unclear and loosely used by both scholars and political actors. While this ambiguity can serve many social and political purposes, it also leads to a number of assumptions about the links between reconciliation and other crucial concepts, such as justice, forgiveness, truth, healing, peace, and so on. Some argue or simply assume that these concepts are part of reconciliation,<sup>2</sup> while others question these taken-for-granted relationships.<sup>3</sup>

Despite the need to challenge the assumed relationship between reconciliation and numerous other concepts, a recurrent theme is that reconciliation, somehow, helps people to heal. In fact, healing is a pervasive term in the literature on reconciliation<sup>4</sup> and the latter is even often confused with healing.<sup>5</sup> What and who needs to be healed or what kind of healing is necessary for reconciliation to take place is unclear. Some explicitly indicate that post-conflict individual wounds need healing. Nevertheless, a broad understanding includes the healing of social relations.<sup>6</sup> Some authors also point to the importance of healing individual post-conflict wounds—notably psychological ones—for reconciliation to occur.<sup>7</sup> Healing seemingly has an influence on reconciliation. The antagonistic parties go through some sort of healing for reconciliation to occur.

There is little agreement beyond (an essentially implicit) healing on what reconciliation really means. Daly and Sarkin highlight the irony that a term that evokes cohesion has so many divergent meanings, sometimes even competing ones, ranging from not killing each other to the equivalent of “a national hug.”<sup>8</sup> For example, Ross refers to reconciliation as a continuum where we find different degrees of reconciliation.<sup>9</sup> Congruent with this continuum, recent literature tends to see reconciliation as a goal and a process. Several authors emphasize the transformative, dynamic, and conflictual aspects of the reconciliation process.<sup>10</sup> Indeed, reconciliation is not a progressive linear process.

Accordingly, reconciliation is better understood as a societal process where each party is supposed to acknowledge the other and the other's sufferings, where antagonistic parties are to move onto constructive attitudes and behaviors, and/or where individual and collective relationships of trust are (re)built.<sup>11</sup> This social process, however, entails a significant psychological dimension: “a changed psychological orientation toward the other.”<sup>12</sup> More often than not, the members of antagonistic groups must overcome perceptions and feelings of enmity that are often based upon horrific personal experiences and/or upon demonizing and dehumanizing representations of the “other.” The psychological challenge, both individual and collective, is double: (1) to overcome the psychological effects of terrible war experiences; and (2) to see the (old) enemy as a fellow human being with whom it is possible to coexist. Hence, in the end, post-conflict reconciliation involves not only trust and constructive

attitudes or imposed peacebuilding measures, but recognizing the humanity of the “other”; that is, the “others’s” needs, interests, understandings, and perceptions of war, peace, and even reconciliation. Reconciliation might be a very complex social process, but it requires more than material reparations and the administration of (retributive) justice. To be effective, it must also include a significant psychological healing dimension that requires transforming the psychological orientation of antagonistic groups and individuals toward each other. As it is argued below, this emphasis on the psychological dimension entails redefining the relationship between reconciliation and (restorative) justice. But first, I must elaborate on the importance of the psychological dimension, notably in the context of a divided society.

### **Considering the Psychological Dimension in a Divided Society**

Reconciliation is always difficult to achieve in post-conflict societies, and even more so in the context of deeply divided societies fractured by cycles of extreme violence and/or genocide. The one-size-fits-all characteristic of many peacebuilding and transitional justice measures do not make the task of reconciliation easier. Daly and Sarkin suggest that reconciliation measures should be shaped to include three criteria: (1) the general context before the transitional period (the nature of human rights violations, for instance); (2) the nature of the transition (if it took place by force, by negotiation, or otherwise); and (3) the social and political conditions going into the reconciliation process (the victim–perpetrator ratio, socio-economic conditions, and so on).<sup>13</sup> It seems that, the more extreme the violence and the war crimes, the more emphasis should be put on the psychological dimension for a “successful” reconciliation process.<sup>14</sup> Also, coerced participation in reconciliation will not lay the ground for one’s empowerment. It does not encourage one to assume a sense of responsibility for his/her actions, or to adopt a sense of engagement either. Any imposed reconciliation measure will bring little to no relief on one’s post-conflict wounds, or change one’s psychological orientation toward the other. Despite the unique experiences of each country, there is growing evidence that a deeply divided society necessitates the prioritization of the psychological dimension.<sup>15</sup>

Some scholars contend that liberal institutions are necessary for durable peace and/or that socio-economic changes are as important for reconciliation as psychological healing. Lipschutz<sup>16</sup> and Hutchison and Bleiker,<sup>17</sup> among others, argue that the exclusive restoration of state institutions and of the economy is insufficient to repair the damaged or broken down relationships after years of violence and war. Without the healing of individual wounds and (re)building of relationships between individuals and groups, the capacity and ability of the citizens to participate in development work are hampered, thus, weakening the communities’ capacity to fight poverty. This sort of argument and debate reflects the complexity in implementing reconciliation processes.

Reconciliation is made more complex by the question of the level at which reconciliation should take place: local, national, or international. At the level of individuals, the focus is on the experience of the individuals who are or were affected by the armed conflict. The emphasis is, for instance, upon the relationship between individual victims and perpetrators. At the level of the community, peacebuilding reconciliation implies engaging the former enemy groups/communities, involving both internal and intergroup social dynamics. It is, however, at the national level that one finds the bulk of the literature on liberal peacebuilding, state-building, and transitional justice. It is also and mostly at this level that the international community directs its demands for reconciliation. Hence, reconciliation considers the meaning of “peace”

between government and the rebel group(s), implies adopting and implementing better policies, building “liberal” institutions, and changing the attitudes and behaviors of those in power.<sup>18</sup> Within this framework, internally displaced persons are often marginalized, although many have warned that they must be considered because they can greatly exacerbate problems and obstruct reconciliation.<sup>19</sup> Since transitional countries have little resources, the need is to target problems efficiently in order to determine at which level reconciliation programs should be aimed and work best.<sup>20</sup>

The question of the relevant level of reconciliation largely depends on “who is looking at it.” In academia for instance, political scientists tend to put more emphasis on the state,<sup>21</sup> whereas social psychologists tend to focus on individuals and increasingly on social groups.<sup>22</sup> Although some put forward a multilevel approach,<sup>23</sup> it is far from a predominant approach to the problem of reconciliation. In practice, the importance of the psychological dimension of reconciliation is much more explicit at the local and social/community levels (e.g., local initiatives, NGOs, etc.), while it tends to be ignored, dismissed, and/or minimized by national and international peacebuilders (e.g., international courts, state/nation-building efforts, etc.). Attention should be paid to this issue because reconciliation is almost always working at all levels simultaneously, but not necessarily harmoniously. Hence, differences in purposes or objectives are reflected in the respective levels, contradicting or working against each other. It is important to have a global perspective on reconciliation where all levels are considered. The variety of different understandings of reconciliation must bring scholars and stakeholders from different fields and perspectives together—examining the affinities and tensions—in order to bridge the division and have a holistic and inclusive approach to reconciliation. This diversity should be an opportunity to engage into dialogue with others—all parts of a whole—to challenge one’s own understanding or to explore new understandings rather than to divide each into camps of like-minded individuals in order to strengthen one’s own viewpoints. Otherwise, efforts at one or more level(s) could work against other level(s). Processes of reconciliation will or will not foster sustainable peace, but they will transform individuals, communities, groups, and their interrelationships.

To be effective, the reconciliation process must proceed bottom-up and top-down simultaneously. Indeed, individuals are the fundamental elements of society and widespread trauma throughout the population negatively affects all possible levels of reconciliation.<sup>24</sup> Most importantly, while the physical and mental health of individuals is crucial for national reconciliation, national reconciliation has no immediate, automatic, or necessary effect upon individual well-being.<sup>25</sup> A government can promote individual reconciliation through “genuine commitment” and “conciliatory acts” done in public, which are accompanied by other initiatives such as funding direct assistance to survivors or supporting public education. In short, citizens have to believe that the government is genuinely seeking reconciliation. In the context of a divided society, the importance of the psychological dimension—extreme traumatization of the citizens—is substantiated by a number of defining features. For instance, a divided society is characterized by the geographic proximity of the antagonistic parties (often living as neighbors); by the perpetuation of conflicts across generations; by the lines of conflicts that are drawn from regional, religious, and/or ethnic affiliations where one group oppressed the other; and by direct violence infliction.<sup>26</sup> The experience of civil war is thus very different from the experience of interstate war because it often questions and challenges the very nature and/or *raison d’être* of the society at (civil) war.

In short, without overlooking socio-economic realities and other “objective” factors, defining reconciliation in terms of (re)building individual relationships and taking into consideration the importance of the psychological dimension of reconciliation—conceived as more subjective in the literature—facilitates the establishment of a basis from which broader social relationships can be (re)built. Especially in the context of a divided society, it is imperative that national reconciliation initiatives resonate and/or concur with lower levels of reconciliation: the social/community and individual levels. As pointed out by Hamber, it has become critical that more attention is given to mental health in post-conflict political processes<sup>27</sup> and, as we will see in the upcoming section, in the field of transitional justice.

This argument is reflected in the literature on reconciliation in the social psychology field. Nadler and Schnabel distinguish between instrumental and socio-emotional reconciliation. Socio-emotional reconciliation involves a deeper and more complex transformative aspect than instrumental reconciliation. Thereby, each is said to fit best with different contexts. Instrumental reconciliation is better suited to a context of international or interstate conflict where “separated” coexistence is possible. Socio-emotional reconciliation is better adapted to an intranational context or intra-social conflicts<sup>28</sup> where coexistence seems inescapable (for whatever reason) and where one peaceful single social/national unit seems the key objective of reconciliation. Instrumental reconciliation is oriented toward the present, whereas socio-emotional reconciliation is oriented toward the past and the future. To be more specific, instrumental reconciliation focuses on ongoing repetitive cooperative projects, while socio-emotional reconciliation first focuses on the confrontation of the conflicted past, where both recognition of past wrongdoings and pleading for forgiveness (however defined) will lay a foundation for building future “relationships of interdependence in a single unit.”

Instrumental reconciliation has the “advantage” of being based upon “objective” indicators and factors like economic and political institutions. Moreover, the “objective” characteristics of instrumental reconciliation work well with and serve the retributive understanding of justice underpinning contemporary peacebuilding and transitional justice processes well. Socio-emotional reconciliation, grounded in subjective interrelationships, is less amenable and useful to “concrete” national and international peacebuilding practices and policies. However, not only the “subjective” characteristics of socio-emotional reconciliation concur with one’s own healing; they lay the groundwork for one’s psychological orientation toward the other. The restorative form of justice suits best the subjective and intersubjective needs of a deeply divided society for socio-emotional reconciliation.

Nevertheless, it is not enough to examine and to emphasize the psychological dimension of reconciliation. If this dimension is to be taken seriously, it must come with an appreciation of the relationship between reconciliation and the form of justice that is promoted or sought. Building on an examination of the case of Rwanda, the rest of this article explores the consequences of the retributive form of justice upon reconciliation and how a restorative form of justice coupled with an emphasis on the psychological dimension can better foster peace and reconciliation.

## **Reconciliation and the Retributive Form of Justice**

There is little agreement about what transitional justice involves. This is understandable because of each country’s unique features (social, legal, economical, and political dynamics) and the complexity of (re)building post-conflict societies.<sup>29</sup> In

addition, there is a wide range of possibilities and intertwined approaches to reconciliation, justice, and reconstruction.

Justice can be interpreted in numerous ways.<sup>30</sup> Yet, as used in the peacebuilding literature, justice as transitional justice is a concept often minimally based upon post-conflict survivors' experiences and upon very little input from conflict survivors and victims. Despite numerous attempts and claims to the objective status of justice, justice can be a highly subjective and intersubjective notion that varies according to context, group membership, and/or personal experiences. Justice is not universal.<sup>31</sup>

And yet, in practice, trials have been increasingly favored in transitional societies: "Practitioners in the field argue that there is no peace and no reconciliation without punitive justice."<sup>32</sup> Moreover, the Western "universal" focus on retributive justice is often imposed as a post-conflict solution in war-torn societies.<sup>33</sup> In practice, however, the majority of individuals who have committed mass atrocities have not been held accountable or punished. In the scholarship on transitional justice, it is also assumed or explicitly claimed that retributive justice should be prioritized in societies divided by mass violence. Some will go as far as conceiving justice as obviously retributive and they will assume the relationship between retributive justice and reconciliation as natural and/or logical:

When justice is done, and seen to be done, it provides a catharsis for those physically or psychologically scarred by violations of international humanitarian law. Deep-seated resentments—key obstacles to reconciliation—are removed and people on different sides of the divide can feel that a clean slate has been provided for.<sup>34</sup>

This understanding of justice necessarily implies acts of "injustice" or "wrongs" that must be addressed and rectified through a prism of justice. However, retribution is not necessary to initiate a transition process toward stability and peace.<sup>35</sup> Retributive justice's primary aim is to punish the offender. At best, a victim gets to be considered as an "official victim" and is given an opportunity to testify in a trial, while the administrators, legislators, prosecutors, and judges are the ones who retain the ultimate power to impose (or not) a punishment. In short, retributive justice essentially constitutes "a transaction between the state and the offender."<sup>36</sup> Claims and assumptions about how retributive justice satisfies the needs and interests of victims seem to ignore the bitter realities of a trial process and victims' experiences of that process. Indeed, these claims and assumptions about retributive justice are challenged and recognized as erroneous in the fields of law and criminology.<sup>37</sup>

Here, I am not particularly concerned about how (transitional) justice can be understood and conceived in different cultural contexts, but how a *retributive* form of justice can affect reconciliation, notably in terms of the individual psychology of victims of war.

## Rwanda

Three levels of transitional justice can be identified in Rwanda: the International Criminal Tribunal for Rwanda (ICTR), the formal criminal trials at the national level, and the *gacaca* courts at the local level.<sup>38</sup> After the genocide, the government of Rwanda and the international community put much emphasis on holding perpetrators accountable. Fighting impunity was at the core of the Rwandan government's policies, in conjunction with other measures to promote national reconciliation.

In the context of a post-conflict divided society, within the retributive form of justice framework, the concepts of victim and perpetrator tend to be conceived in

dichotomous terms: creating two distinct, mutually exclusive, and homogeneous social groups. Victims are conceived as the passive objects of direct violence that become visible only when perpetrators use that violence against them. In some cases, the dichotomy has crucial political effects by generating two social groups that are diametrically opposed, thus simplifying the process of identification of who is the victim and who is the aggressor/perpetrator. This oversimplification is disconnected from the reality of many post-conflict situations, does not reflect the complexity of victimization during conflict, and often defines individual identities as solely that of victim or perpetrator.<sup>39</sup> Following the harmful act, the victim not only faces numerous consequences and needs, but he/she can ultimately lose control of his/her life. Retributive justice processes depend on the perpetrator to proceed: no perpetrator means no criminal justice process. Moreover, in the event where a monetary compensation for the victim might be considered, the insolvability of the perpetrator leaves the victim with little to no monetary aid to cope with his/her post-victimization consequences and needs. Hence, the victim's loss of control over his/her life is perpetuated through the retributive justice system's dependency on the perpetrator.<sup>40</sup> Retributive justice processes are adversarial, and both victims and perpetrators are victimized through them. The victim and perpetrator categories are established, reinforced, and polarized via an increased victimhood of both sides brought about by the system's adversarial procedures.

In the case of Rwanda, there is growing acknowledgment that reconciliation requires more than the prosecutions of the key *génocidaires* by international and national courts. The international community put great faith into *gacaca*—encouraging confessions, denunciations, and plea bargaining—for encouraging individual and social reconciliation at least.<sup>41</sup> However, in Rwanda, *gacaca* was “adapted” and it seems to have become essentially a *retributive* tool to punish Hutu.<sup>42</sup> Waldof even suggests that *gacaca* might represent a social control tool for the government. The author explains that *gacaca*, by facilitating mass accusations of Hutu men, not only promotes a collective Hutu guilt, but it can also be used to disenfranchise a significant number of Hutu voters.<sup>43</sup> As such, this “tool” does not seem to meet the victims' expectations, making them hesitant about any form of reconciliation.<sup>44</sup> The following testimonies are common:

I have gotten to know many (men) without my consent. . . . I discovered I am HIV positive. I live in very bad conditions because I didn't go to school (because of the genocide). I have no job and am too weak now to dig the fields. I get food from an organization that helps me to survive. . . . I don't think I can forgive the FAR soldiers or the Interahamwe. I don't want to hear about reconciliation. I accused them in the *gacaca* courts, including the one who raped me, those who participated in the killings in the church and those I saw at the roadblock, but now they are being released. *Gacaca* courts do not bring justice . . .

I don't go to the *gacaca* courts anymore, because the people we are accusing are being released. I don't see the point in taking the risk of sharing my testimony there if it doesn't make any difference . . .

I feel the Interahamwe militia and FAR soldiers killed what I would have become. I am HIV positive. I am not able to work, because I am very weak and constantly ill. I suffer from headaches, chest aches, backaches, and pains in my vagina, and I have sinus problems as a result of the men who raped me in the nose . . . Some of the Interahamwe militiamen who raped me were imprisoned, but they are now being released. This is not justice. *Gacaca* courts were supposed to bring justice and reconciliation, but they are bringing more tears than smiles.<sup>45</sup>

While in Rwanda silence remains on the alleged RPF war crimes, the number of Hutu suspected of being *génocidaires* keeps on increasing.<sup>46</sup> *Gacaca* played an important role in the staggering increased number of accused *génocidaires*.<sup>47</sup> It appears to encourage an “exclusive” form of justice rather than an “inclusive” form where all parties recognize their deeds and the others’ sufferings, even if they are of different nature and degree. In fact, increasing literature indicates that the *gacaca* courts seem to be skewed against Hutu. For instance, the Rwandan ambassador to Belgium indicated that the number of suspected *génocidaires* was close to two million, which approximated the number of Hutu male in that period.<sup>48</sup> As Mamdani wrote,

Every time I visited post-genocide Rwanda, I would ask responsible state officials . . . how many ordinary civilians they thought had participated in the genocide. Every time the answer was in the millions. Even more troubling, the estimate grew with each visit.<sup>49</sup>

Participation at *gacaca* courts is mandatory. Despite the much projected image of unanimous Rwandan consensus and support for *gacaca* initiatives—which might have been genuine in the beginning—many Tutsi have become afraid to participate and to testify with reason: a number of Tutsi have been intimidated, physically assaulted, and even killed before or after their participation at *gacaca* courts. Tutsi are more insecure since they are often harassed by the families of the individual who killed their relatives. This trend has clearly augmented since 2003, when the first waves of perpetrators/*génocidaires* were released. Hutu are also afraid of the *gacaca* courts since they fear being wrongly accused and/or imprisoned.<sup>50</sup>

Furthermore, while the number of guilty has been growing, an increasing number of Rwandans find it more difficult to be recognized as victims since the genocide. The Hutu who resisted during the genocide, who tried to save or saved Tutsi relatives, friends, or neighbors, are not recognized as victims or survivors, while the government tends to naturally label them as *génocidaires* or accomplices. Many Hutu were also hunted and killed following the genocide by RPF and the Rwandan Patriotic Army. Others died in overcrowded refugee camps in the Democratic Republic of Congo (DRC).<sup>51</sup> The “mixed” Rwandans also do not appear to meet the criteria of victim. For instance, having one Tutsi parent and one Hutu parent seems to encourage feelings of suspicion about one’s involvement in the genocide, whether as a passive accomplice or as an active killer agent.<sup>52</sup> Tutsi and Hutu live in fear and most are too afraid to talk about the current situation, their experience related to the circumstances that led to their victimization, or to their participation in violence. The official “unity” policy appears to exacerbate the rift between Tutsi and Hutu.

Since the 2003 constitution, the use of the words Hutu, Tutsi, and Twa is illegal in public discourse and is punishable by law. However, despite the fact that the identities are officially silenced, the stigmatization and marginalization associated with them remain and are flourishing. This is largely explained by the fact that the ethnic identities Tutsi and Hutu have become associated with the identities of victim and perpetrator/*génocidaire*, respectively:

In Rwanda, a Hutu is a perpetrator and a Tutsi is a victim. Because I am Hutu, I am unable to go back to Rwanda to find out who killed my family and why. I cannot see the house, nothing. Without any answer, it is impossible for me to get closure. I suffer great pain.<sup>53</sup>

Vidal suggests that the ban on public references to ethnic identity facilitates the link between Hutu and *génocidaire* since it leads all to forget that Hutu are not all guilty and that some were in fact courageous and/or victimized.<sup>54</sup> Also, it has been much more difficult to remember and recognize that many Hutu suffered and are suffering since the word Hutu is publicly banned. Hintjens explains that the “victims” in Rwanda—whether they were in exile or in Rwanda—are connected by “a common persecution and their victimizers, as a whole, are to blame” for it.<sup>55</sup> The dichotomy Tutsi/Hutu is very palpable and perpetuating. The Tutsi constitute an “us”; the Hutu represent the “other.” Twa remain invisible/non-existent. Dichotomous identities are implicitly intertwined with the victim/perpetrator dualism, making both dichotomies mutually reinforcing. Both dichotomies have been enforced by Rwandan political programs and initiatives such as the imposition of an official one-sided and exclusive memory.

The question of historical memory, both individual and collective, is crucial to the victim’s psychological rehabilitation, and thus to the reconciliation process. And yet each commemoration does not recognize explicitly the massacred Hutu, thus reinforcing the Hutu’s collective guilt. Buckley-Zistel contends that each commemoration appears to further create negative emotions and negative cognitive perceptions for both Tutsi and Hutu.<sup>56</sup> For Tutsi, being reminded of the genocide through commemoration on a daily basis can only feed his/her trauma symptoms, fears, and negative feelings and perceptions toward the “other.” Moreover, the impoverished conditions of many Tutsi survivors make matters worse as they claim that the government largely ignores their call for compensation, increasing further their post-conflict difficulties. A number of studies indicate that these material conditions encourage the use of violence in order to remedy the miserable survival conditions.<sup>57</sup> For Hutu, being identified as accomplices or suspected *génocidaires*, receiving no acknowledgment for their sufferings and/or good deeds, and being marginalized and stigmatized (often worsening their material conditions) in addition to their post-conflict and post-genocide trauma symptoms (even if they are different than the Tutsi’s) produces increasing resentment toward Tutsi. In these conditions where psychological dispositions toward thinking in dualisms are reinforced, the potential to resort to violence against the “other” appears to be increasingly likely.

Burkley-Zistel sustains that there is a “pretended” peace in Rwanda that is supported by fear and pragmatism. In terms of pragmatism, the author explains that living in an environment where “all depend on all,” means that “survival and prosperity require collaboration.”<sup>58</sup> The gap between “us victims” and “them perpetrators” seems to have been continually and silently widened. Hence, this imposed top-down “ethnic identity unity” and “consensus” do little to promote constructive relationships between Tutsi and Hutu. These national initiatives conflict with any form of psychological healing of individuals and communities. As each Rwandan has to suppress his/her own suffering while trying to survive, openness toward the “other” has become unlikely.

This is basic psychology. Survey studies conducted in Northern Ireland indicate that feelings of victimization of one’s party and competitive victimhood with the adversary are negatively related to reconciliation.<sup>59</sup> On the other hand, empathy and perceptions of common identity with the antagonist was positively related to reconciliation: “a full understanding of intergroup conflict requires changing the relationships between the adversaries (e.g., to greater trust and constructive cooperation) and attending to their psychological needs and feelings (e.g., needs for justice and equality, feelings of victimization or guilt).”<sup>60</sup>

The “retributive spirit” (against Hutu) of Rwandan reconciliation processes limits contact and open communication between parties, thus not contributing positively to any form of reconciliation and, in fact, moving away from it. The dependence on finding a perpetrator means that justice becomes offender-oriented rather than victim- and/or community-oriented; more retributive than restorative. As the reconciliation initiatives remain focused on the perpetrator, the victim—conceived as a passive agent—is essentially left aside from the reconciliation process and deprived further from much-needed restoration. Victims and even perpetrators see themselves as “victim,” and are unable to heal their post-conflict wounds when the separation between them is reinforced and/or imposed. In this context, the ground cannot be laid for one’s psychological re-orientation toward the “other”: “Unaddressed hurts and injustices will fester and grow, and ultimately undermine the best political or economic reform.”<sup>61</sup>

### **A Restorative Justice Approach to Reconciliation**

While impunity or amnesty for perpetrators is rejected among victims of large-scale violent conflicts, victims of various conflicts do not appear to be focused on the perpetrators’ punishment.<sup>62</sup> It has been observed that victims tend to prioritize diverse measures to address the consequences of large-scale violence.<sup>63</sup> Among those measures we find: the acknowledgment of their injury, the reparation of harms (material and non-material), and the emergence of the truth about what happened.

Pratto and Glasford argue that restorative justice will promote reconciliation better than retributive justice.<sup>64</sup> In criminology, restorative justice proponents argue that it is better suited to victims’ needs since, “as the individual harmed,” the victim is a key stakeholder in the “justice process.” Being considered as a central stakeholder, the victim has validation for his/her worth as a member of the community—something that is often taken away from him/her by the violent act and is rarely (only symbolically, if ever) restored by retributive justice.<sup>65</sup>

A restorative process is necessarily social and psychological. It allows the victim to share his/her experience of victimization and its aftermath and to get an understanding of what happened from the perpetrator’s perspective. The victim decides whether to accept offers for reparations or apologies, for instance. Via a restorative approach, in addition to having a better understanding of what happened (psychological dimension), the victim can benefit from practical and material assistance usually direly needed in post-conflict contexts. The victim might be worse off if the perpetrator gets the “justly deserved” punishment. The victim will often feel more depressed, overwhelmed, and/or disempowered because his/her needs have been disregarded, in addition to seeing his/her wishes and expectations being denied. Indeed, as trauma affects the victim in every spheres of his/her life, punishing the perpetrator brings little to no improvement to his/her survival condition.

In addition to a restoration of the victim’s sufferings, restorative justice seeks to restore the humanity of the perpetrator and his/her relationship with the victim. As “an agent of the common good,” the perpetrator is asked to take responsibility for his/her actions.<sup>66</sup> By asking “why,” the victim gives an opportunity to the perpetrator to become more human, an opening that retributive justice fails to provide. Both parties can come to agree on the victim’s restoration. The perpetrator can acknowledge his/her actions and the following consequences to victims and the community; he/she is encouraged to accept responsibility for his/her deeds, face his/her loved ones and his/her victim(s). When the perpetrators make amends, the end product does not follow the principle of proportionality of retributive justice. The

objective is aimed toward the victims' needs and interests because restorative justice prioritizes the victim's restoration rather than the perpetrator's punishment. Without leaving the harmful and illegitimate deeds unpunished, restorative justice *restores*, so to speak, the perpetrator's humanity; he/she can become a functioning and contributing member of the community again.

Focused on the harms done and their redress, restorative justice promotes the separation between the perpetrator's actions and identity. This approach lays the ground for a different perception of the other's behavior than inherent "evilness." A dialogue on the possibilities of change is more likely. In short, acknowledgment and willingness to seek repairs can be a starting point for a broader reconsideration of relationships among individuals, groups, communities, and societies.

It was argued previously that the distinction between victim and perpetrator are muddled in the context of war,<sup>67</sup> especially in the context of a genocide.<sup>68</sup> Indeed, genocide implies that whole communities are displaced or destroyed, neighbors turn against neighbors via forced complicity or inbred distrust. The theoretical static victim and perpetrator identities do not reflect the fluid and changing sets of identities of each individual. Of particular importance in this regard, the ethnic group often determines who is constructed as a victim or as a perpetrator, as seen above in the case of Rwanda. A restorative approach to justice allows more fluidity and flexibility in the victim/perpetrator identification since its responses to harmful or criminal behavior seeks, first, to repair the harm done (to individual, community, society), and, second, to address the reactions and the needs of the parties involved, and then to reintegrate the "author of the harmful or criminal deeds" and the "victim" into the community and society. In short, restorative justice emphasizes the intersubjective relationships and their complexity, especially in post-conflict settings. While restorative justice is not as easily implemented as the retributive form, it seems necessary to facilitate the (re)humanization of both parties. It promotes much needed intergroup contacts in order to (re)build wider social relationships within a deeply divided society.

### **Conclusion: Psychology, Reconciliation, Justice**

This article challenged the improper separation between the "objective" and the "subjective" implicit in peacebuilding and transitional justice measures brought about by the dichotomy victim/perpetrator found in the retributive form of justice. Furthermore, it questioned the long-term effects of policies built upon such separation and polarization.

Transitional justice initiatives can become a tool that further reinforces the dichotomy victim/perpetrator rather than promote Rwandan reconciliation. In Rwanda, *gacaca* courts are essentially retributive, thus reinforcing the victim/perpetrator dichotomy. The knock-on effect is to further reinforce the exclusiveness of the perpetrator and the divide between the Tutsi and Hutu.

Retributive justice designates who is the victim and who is the perpetrator and largely ignores, in post-conflict situations, the complexity of determining "who did what to whom." Inappropriately and unsubtly labeled and characterized, Tutsi and Hutu have to face added hardships in silence—as each "objective category" is linked to "privileges" (whatever they may be), to stigmatization, and/or marginalization—in addition to their own post-conflict wounds. Further victimized as their sufferings are increasing, it has become more difficult for one to acknowledge the sufferings of the "other," and less likely for one's psychological re-orientation toward the "other" to

occur. Officially and overtly identified as victim or perpetrator, each antagonist sees their view of the “other” confirmed or strengthened.

There may be no more official Tutsi and Hutu identities, but the victim/perpetrator-*génocidaires* identities could be more powerful than the former in perpetuating the violence. The intensified negative emotions and cognitions, fear, dire survival conditions, and so on, all constitute potential contributors to violence and even genocide. The psychological and intersubjective dimensions of the traumatized are clearly ignored in the reconciliation process, thus jeopardizing its prospects. Unless all levels of reconciliation are considered in an inclusive and holistic way, fear, silence, suppressed anger, hate, denial, among other things, will continue to prevail and to work against reconciliation efforts at all levels. Projects and policies of reconciliation and justice will bring durable peace only if they acknowledge and deal with the intersubjective and psychological complexity of post-conflict environments.

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## Notes

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# Memory Controversies in Post-Genocide Rwanda: Implications for Peacebuilding

Elisabeth King

*Postdoctoral Research Fellow, Earth Institute,  
Columbia University*

*Intrastate wars and genocides result in devastating losses and leave deep and lasting scars on those who survive. Making space for civilians to share their experiences of violence and to have them publicly acknowledged—especially by their own governments—can be important parts of (re)knitting the social fabric. This article focuses on the experiences of ordinary Rwandans during and after their country’s civil war and genocide. It is centered on excerpts from a series of field interviews and highlights Rwandans’ memories in their own words. This article contrasts this cross-section of civilian narratives with the official memories of violence that the national government disseminates through memorials and schools. The central argument is that, in order to legitimate its rule, the Rwandan government selectively highlights some memories of violence, and represses others, and that this is likely to hinder sustainable peace.*

*Key words: Rwanda, genocide, memory, acknowledgment, textbook, museum, reconciliation*

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Intrastate wars and genocides result in devastating losses and leave deep and lasting scars on those who survive. Moreover, in the aftermath, survivors must often live alongside former enemies and continue to reside where they experienced state-perpetrated violence. As a consequence, making space for civilians to share their experiences of violence and to have those experiences publicly acknowledged—especially by their own governments—can be important parts of (re)knitting the social fabric. Unacknowledged wounds can present an obstacle to peacebuilding in both present and future generations.

Some key locations for state acknowledgment of experiences of violence include memorials, museums, and narratives in textbooks. Yet these locations are inadequately scrutinized and often considered to be part of the “soft cultural sphere” on the outskirts of power and politics. In contrast, I argue that selecting which civilian memories of violence to include and which to exclude in these sites is a political process that has important implications for “hard” politics—for the success of peacebuilding and future security.

This article focuses on the experiences of ordinary Rwandans during and after their country’s civil war and genocide. It includes excerpts from field interviews and highlights Rwandans’ memories in their own words. This article contrasts this cross-section of civilian narratives with the official memories of violence that the national government disseminates through memorials and schools. There are two central arguments. First, in order to legitimate its rule, the Rwandan government selectively highlights some civilian memories of violence, and represses others. Second, failing to acknowledge important memories hinders meaningful peacebuilding.

The first part of this article briefly reviews the concept of acknowledgment and examines its importance from the perspectives of academic literature, international organizations, and survivors. The second part turns to Rwanda, first elaborating on research methods, then exploring five types of civilian memories of violence, explaining how and why some are acknowledged, while others are left out. The third part elaborates on the implications for reconciliation, justice, and democracy.

## **Acknowledging Civilian Memories of Violence**

Acknowledgment—meaning recognizing, admitting, or owning something and accepting the authority of the claims of others—is a key concept in the study and practice of post-conflict peacebuilding and conflict prevention.<sup>1</sup> Acknowledgment in the aftermath of violent conflict includes civilians' experiences, as well as perpetrators' accountability for crimes. This article focuses primarily on the former, but the two overlap. It also focuses on official, national acknowledgment, but unofficial local and interpersonal processes of acknowledgment, as well as international acknowledgment, are also important.

Acknowledgment is widely considered a necessary part of post-violence societal recovery. In the peacebuilding literature, acknowledgment is argued to be important for reconciliation and the restoration of relationships, for transitional justice, and for building open, inclusive, and legitimate political institutions.<sup>2</sup> In cases of genocide in particular, acknowledgment is also crucial to counteract the denial that often follows.<sup>3</sup>

The importance of acknowledgment is also commonly recognized by international organizations. United Nations' standards "call attention to the duty to remember." The *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by the General Assembly, include "commemorations and tributes to the victims" among the reparation duties of states, as well as a "public apology including acknowledgment of the facts and acceptance of responsibility."<sup>4</sup> This duty to remember was embraced in both the South African and Sierra Leonean Truth and Reconciliation Commissions, wherein recommendations included not only individual reparations, but community and symbolic measures such as the establishment of memorials and commemoration ceremonies.<sup>5</sup>

Most importantly, acknowledgment is often important to victims. A survey of survivors of violence in eleven countries as different as Afghanistan, Cambodia, Kosovo, and Sudan found that acknowledging experiences through memorialization was considered a key form of state reparation for violence.<sup>6</sup> A central part of acknowledgment is that victims be satisfied with the response they receive.<sup>7</sup>

Nonetheless, a desire for acknowledgment may vary from case to case, across time, and from individual to individual. Hayner writes that "in Mozambique the accepted, though largely unstated, belief was 'the less we dwell on the past, the more likely reconciliation will be.'"<sup>8</sup> Hayner recalls "a palpable sense in Mozambique that if you talked about the war, it might come back."<sup>9</sup> Shaw argues that reconciliation in Sierra Leone may also be served by silence. She writes that in northern Sierra Leone in particular, where social forgetting stands at the heart of established processes of reintegration and healing for child and adult ex-combatants, "speaking of the war in public often undermines these processes, and many believe it encourages violence."<sup>10</sup> There is no cookie-cutter model for post-conflict peacebuilding, and moreover, no standard way to best acknowledge civilian memories of violence. What may be appropriate in one case may not fit another.

Yet, if one accepts the recurrent importance of acknowledging civilians' memories of violence, an important question arises: Whose stories to tell? While ours has been called "the era of testimony,"<sup>11</sup> governments make unequal space for different memories of violence. Some memorials, for example, have been criticized for including too much; many Peruvians protested the "Eye that Cries" memorial for including the names of forty-one Shining Path guerrillas massacred in a prison in 1994.<sup>12</sup> Not enough inclusion can also be problematic; Robben Island, the prime site of remembrance in post-apartheid South Africa, is criticized for its exclusion of the memories of victims and activists not associated with the current government, the African National Congress.<sup>13</sup> The same types of controversies arise in regards to textbooks. In post-war Bosnia, textbooks are now published in Croat, Serb, and Bosniak versions, and include and exclude vastly different narratives.<sup>14</sup> Minow suggests that the challenge for peacebuilding is "to seek a route between too much memory and too much forgetting."<sup>15</sup> In exploring this route, this article challenges collective memory as a singular concept.

### **Research Methods in Rwanda**

This article draws on fieldwork conducted in Rwanda in 2006 to investigate the complex relationship between formal schooling on one hand, and violent conflict and peacebuilding on the other. The core fieldwork consisted of approximately seventy, one-on-one open-ended interviews with Rwandans. While not directly the topic of research, many Rwandans wanted to share their memories of violence. These included narratives that would be publicly acceptable, and many that would not. Below, this article recounts relatively long excerpts of several stories in an effort to both learn from, and to humbly acknowledge, these important memories.<sup>16</sup>

Those who experience violence are often considered "the most authentic bearers of truth about the past."<sup>17</sup> At the same time, interviewees have a number of reasons to only selectively tell their stories, and testimonies are filtered through historical memory.<sup>18</sup> As Kalyvas notes, "there is compelling evidence that eyewitnesses of criminal (and other) events are systematically wrong about substantial parts of the events they are called to describe."<sup>19</sup> The stories recounted below derive from unverified *individual* testimony, but the validity of all of these *types* of narratives has been substantiated by other research and evidence.

This article contrasts various civilian memories of violence with the narratives portrayed at the Kigali Memorial Centre (Gisozi),<sup>20</sup> Rwanda's main genocide memorial, and in the only existing primary school civics and social studies textbooks.<sup>21</sup> Museums are particularly dense sites of memory where acknowledgment and the lack thereof come head to head. They are "a major area, in which politics, sensibilities, and folklore mingle."<sup>22</sup> The Kigali Memorial Centre is particularly important in Rwanda, serving as the main national memorial and the sole memorial with explicit narration.<sup>23</sup> The Memorial Centre plans to add a traveling component with the aim that 90% of the Rwandan population is exposed to its messages.<sup>24</sup> The Gisozi memorial has been subject to at least two recent grenade attacks, illustrating this site as one of symbolic significance and contention.<sup>25</sup> School textbooks are also particularly important as they portray the "commonplaces of historical thinking of a certain place and time."<sup>26</sup> In Rwanda, there has been a moratorium on teaching history since the genocide. The civics and social studies texts thus represent the state of teaching at this time and foreshadow how further curriculum is likely to develop.

## **Civilian Memories of Violence versus National Acknowledgment in Rwanda**

Rwanda descended into civil war in 1990 when the Rwandan Patriotic Front (RPF), a group of mostly Tutsi exiles who had fled Rwanda to Uganda in 1959, began an armed invasion against the Hutu government of Rwanda. While a peace and power-sharing agreement was reached in Arusha in 1993, the accord did not hold. In April of 1994, genocide began, ending only three months later with approximately 800,000 Rwandans dead, including at least 500,000 Tutsi.<sup>27</sup> The targets were civilians, as were more than 90% of casualties.<sup>28</sup> A 1996 report of the United Nations Special Rapporteur on Rwanda estimated that between 250,000 and 500,000 Rwandan women and girls had been raped.<sup>29</sup> Countless others, Tutsi and Hutu, male and female, young and old, were tortured or maimed before being left for dead by their fellow, particularly Hutu, Rwandans. Indeed, a significant proportion of the population participated in the killing. The military victory of the RPF brought the genocide to an end and the RPF remains the government of Rwanda today.

While this article refers to Hutu and Tutsi throughout, public ethnic identification is outlawed in post-genocide Rwanda, except in certain contexts. Ethnicity remains, nonetheless, a salient category for many Rwandans. At the same time, social differentiation is much more complex than it often appears and this article aims to highlight the variety of experiences within and across Hutu and Tutsi groups during and after violence in Rwanda.

The narratives below are thus categorized by ethnic group and level of national recognition, but this is an oversimplification. Other markers, such as class and region of provenance, are also important to one's position in Rwandan society. Moreover, the categories are neither static, nor black and white. During the genocide, for example, the same Rwandans often played different roles concomitantly; some Hutu, for instance, participated in killing, yet saved the lives of Tutsi close to them.<sup>30</sup> Therefore, while five main genres of civilian memories of violence are discussed below—recognized Tutsi memories, somewhat recognized Hutu memories, unrecognized Hutu memories, unrecognized Tutsi memories, unrecognized memories of ethnically mixed Rwandans—these categories are neither watertight nor exhaustive.

### **Recognized Tutsi Memories**

The first type of narrative that emerged during interviews involves memories from Tutsi survivors of genocide. When asked about his family's experience with genocide, one Tutsi youth recounted:

So, it happened [the genocide] when my mother, my little brother, and my little sister—who was still in my mother's stomach, she wasn't born yet—were there [his father was in Burundi]. So, in the end, my mother and I were here in Rwanda and we tried to escape to [hide in] the wells. The first time, someone tried to intervene but was told to do his job [elsewhere], to machete some, and so he turned away. And the second time too, it was by God, they were going to throw water in and someone came, and told them that they had a job to do, and they left again. So, we left that area where we lived, my mother and I. She carried my little brother on her back, and me, she took my hand, and we left for [name removed]. So there was a place that people were being taken, but instead of staying there where we were supposed to stay, there where they were massacring a lot, a multitude of people, we continued. We arrived in a place, in another region, and it is there that we were able to escape. In fact, you know diapers, that you put on a child to leave his waste? We hid two

potatoes in there, sweet potatoes, so that we could survive. Me, my mother, and my little brother, we ate for a week. And then, we had a brother, my uncle, who was a soldier of the saviors. So, since we had a brother who was a soldier for the RPF, and he saw that we were there, he took us and put us in a little security. We spent one month, two months, then when the war was over we returned [home].

But, in the meantime, while we weren't there, my mother's family, just about everyone was *kcchhh* [makes the sound and actions of getting chopped in the neck with a machete]. In the end, my mother's family . . . no one was left. Just the co-wife. Yup, the co-wife was left, and that's our family. And that's our experience of the genocide.

I guess I was traumatized, yes, seeing someone machete in front of you. I was a little traumatized. Once, someone was shot right in front of me when I was there. They killed him. I was there. They [the killer] had to walk in front of me and I felt something rise inside me. My mother wasn't near me; I don't know where she was hiding. So I said to myself, "Is it true that someone can lose their head like that?" I was shocked.<sup>31</sup>

At the Kigali Memorial Centre one encounters similar stories. There are panels, stills, and clips dedicated to survivors' narratives. The memorial Web site also includes ten survivors' testimonies with the intention to expand to a larger database. Each person's story is heart-wrenching and defies description. The memories, however, share some commonalities. Each tells of horrific specifics of violence, such as Anne-Marie Bucyana, whose husband and child were killed while she was raped, or Emmanuel Mugenzira, who was shot in the head and left for dead like the rest of his family. They talk of fleeing to churches, United Nations camps, and into the mountains. They also share the emotional trauma of life in post-genocide Rwanda. For example, as Dancilla Nyirabazungu recounts, "I clean, I garden, I separate the clothes from the bones left on the church floor."<sup>32</sup> Half of the narratives refer to the causes of genocide being grounded in dehumanization and discrimination against Tutsi by the previous regime. All of the testimonies explicitly or implicitly suggest a Tutsi voice.<sup>33</sup>

The type of narrative recounted by the teenage boy above fits in with the historical panels at Kigali Memorial Centre, with primary school textbooks, and with the RPF's version of history. The panels at Gisozi, for example, present precolonial Rwanda as a golden age: "This has been our home for centuries. We are one people. We speak one language. We have one history."<sup>34</sup> It blames divisions between Rwandans on the colonial powers: "We have lived in peace for many centuries, but now the divide between us had begun." The panels explain that when Rwanda gained independence it "became a highly centralized, repressive state with a single party system" wherein "the regime was characterized by the persecution and ethnic cleansing of Tutsi." The Gisozi narrative explains that the "Path to a 'Final Solution'" began long before the 1994 genocide when "over 700,000 Tutsis were exiled from our country between 1959 [and] 1973" and explains that "genocide was rehearsed." The panels note that "Rwandan Tutsis had been fleeing for more than a generation." They report that when President Habyarimana's plane was shot down, "genocide was instant," "it was genocide from the first day," and that "no Tutsi was exempt" since "the death lists had been pre-prepared in advance." It explains that "any Tutsi who tried to pass [a roadblock] was humiliated, beaten, mutilated, murdered, raped and dumped by the roadside." With panels that explain the specifics of torture, the Kigali Memorial Centre notes that "Rwanda had turned into a nation of brutal, sadistic merciless killers and of innocent victims, overnight." While decrying

the failure of an international response, the panels note that the RPF moved forward “in an attempt to gain control and to stop the genocide.” The narrative presented in the civics and social studies textbooks is very similar.<sup>35</sup>

Narratives of Tutsi genocide survivors that support the RPF’s policies and views of history are the most prominent genre of narrative in post-genocide Rwanda. It is crucially important that these stories are told. Having a record of survivors’ testimonies helps avoid potential negation of the genocide.<sup>36</sup> Victims and survivors deserve respect and acknowledgment. There are also significant potential benefits of giving and hearing testimonies of violence. The process of telling one’s story, and it being acknowledged through listening and empathy, can contribute to healing.<sup>37</sup> Indeed, as argued above, recognizing and commemorating victims and crimes can be crucial steps in reconciliation and part of a transitional justice process. Learning about the experiences, as well as the causes and consequences of genocide, may also be important for its future prevention.<sup>38</sup>

At the same time, many survivors remain unsatisfied with the space that they are granted for their memories and the political uses to which they are being put. As Doughty reports, “many survivors feel that repatriated refugees [including much of the government] came in late, know nothing of genocide, and are reaping more benefits of Rwanda’s post-genocide reconstruction” than they are.<sup>39</sup> The RPF is instrumentalizing these memories of violence and using the genocide as a political tool.<sup>40</sup> It bases its legitimacy at home and abroad on having stopped the genocide and thus having the moral high ground over the international community, as well as other Rwandans. Moreover, by emphasizing the long-term persecution of Tutsi dating to 1959, the government consolidates Tutsi that were in and outside of Rwanda at the time of the genocide into a single “survivor” group. Therefore, in addition to the importance of these narratives for acknowledgment and peace-building, promulgating Tutsi survivors’ memories is central to the government’s maintenance of power.

### Somewhat Recognized Hutu Memories

Second, there is also a public place for the narratives of Rwandans who helped hide those trying to escape genocide. One former Rwandan army soldier, a Hutu, shared his story:

During the war, as I was a soldier, I hid many people, Tutsis that were threatened. As a soldier, I was strong, I commanded, I hid many people. Instead of killing them, or stealing their money, I kept their money and I hid them in my home . . . After the fall of Kigali, I left Kigali and I went outside of the country. I came back here in 2002. When I arrived, it was them that welcomed me and gave me everything. Now I am brother and sister with them. So it is for this reason that I wanted to tell you this story. Now, I can tell my children, or my brothers, that killing isn’t good, that using an opportunity to do bad is not good. If we write stories that during the war, instead of killing people, people also hid others like this, and that after the war, one is proud to be with the Tutsis that he hid, if we teach this history that shows reality and the truth, the path created for our children will produce something [better].<sup>41</sup>

At the Kigali Genocide Centre, there are panels dedicated to this genre of civilian memories under the heading of “Resistance to Genocide.” The panels note that “resistance took many forms. The RPF led the political and armed resistance to genocide. Members of moderate wings of different political parties made passionate calls for resistance. Some of the victims organized resistance to the killings. A

number of Hutus and others hid targeted victims sometimes at the risk of their own lives.”<sup>42</sup> After some short excerpts on resistance by Tutsi survivors in specific locations, the panels turn to feature six named rescuers, including short testimonies, mostly from survivors rather than rescuers themselves. The ethnicity of the rescuers is never explicit, although the Tutsi identity of the victims is often mentioned. Four of the ten survivor stories presented on the Gisozi memorial Web site, and discussed above, refer to people that helped them hide and escape. Nonetheless, the museum also features a videotaped testimonial where a survivor suggests that only 5% of the Hutu population was innocent.<sup>43</sup>

Primary civic education textbooks mention rescuers, this time specifying Hutu, but only briefly: “A Hutu deemed a traitor—for having hidden one or several Tutsi—was forced by the killers to kill them himself. When he did not do so, he was killed along with the members of his family.”<sup>44</sup> Students recounted that they also learn about Agathe Uwilingiyimana, the former moderate Hutu prime minister, who is celebrated on National Heroes Day. Uwilingiyimana, who would likely have issued a radio call for calm the morning after Habyarimana’s plane was shot down, was among the first killed during the genocide.<sup>45</sup>

While there is space in Rwanda for stories that recognize the positive role of some Rwandans, and particularly Hutu rescuers, during the genocide, this already narrow space is further narrowing. For example, there has been great controversy surrounding the actions and statements of Paul Rusesabagina, the Hutu temporary manager of the *Hotel des Mille Collines*, credited with saving up to thousands of lives during the genocide (and best known as the basis for the main character of the movie *Hotel Rwanda*). The Rwandan government and newspapers have charged him with having “a self-promotion agenda while distorting Rwanda’s history and spreading negative propaganda against the current government” and with advancing “outrageous assertions and dirty campaigns.”<sup>46</sup> The government has also accused Rusesabagina of denying genocide. Acts of Hutu “heroism” are also frequently received with suspicion at local gacaca courts.<sup>47</sup>

The former soldier cited above felt that more stories like his needed to be shared, a sentiment echoed by other interviewees. He emphasized that the roles of different groups in Rwanda’s genocide are more nuanced than the government usually makes them appear. Indeed, the dominant narrative often polarizes Tutsi–Hutu as survivor–perpetrator; the panel at Gisozi, mentioned above, notes “Rwanda had turned into a nation of brutal, sadistic merciless killers and of innocent victims, overnight” providing only two role options.

### Unrecognized Hutu Memories

Third, while there is space, however limited, for Hutu rescuers of the genocide, and mention of “Hutu moderates” killed during the genocide (by insinuation by other Hutu), there is no public space in Rwanda for Hutu memories of violence perpetrated by the RPF. Indeed, saying that there are “unpunished RPF crimes” is equated with negation of genocide and may classify as the punishable offense of “genocide ideology.”<sup>48</sup>

Yet reports indicate that the RPF committed widespread killings during the civil war (1990–1993) and during the genocide. Since 1994, the RPF has engaged in killing and other violations of human rights in two wars in the Congo (1996–1997, 1998–2003), as well as in ongoing operations, and in massacres in Rwanda, such as at the Kibeho camp for the internally displaced in April 1995.<sup>49</sup>

In response to a question about her family's losses to violence, a female Hutu youth replied:

Me? My father, my family. Except my grandmother and my older sister that were not killed in the war. This was when the RPF came by here. Yes. Now we have no means to continue without my father. We are no longer valued.<sup>50</sup>

Witness also this representative statement from an elderly Hutu woman from Northern Rwanda:

The other history that we have to teach [besides the government version disseminated at memorials, *ingando* re-education camps, and schools]. For example, I lost three-quarters of my family during the war. There's my mother who died during the war. There is my daughter, her child that died. I say in my house there was my father who died, there was my little sister, my brother-in-law, my grandchildren. My brother-in-law and his wife were killed. But we don't have the right to say we lost people. There are orphans of the genocide, widows of the genocide, everything of the genocide. That's it. That creates a lot of conflicts. But we keep quiet. Us [Hutu], we can't say anything. I can't say anything because if I say it they will put me in prison, or punish me in another way, but they also have to give the ability to people to speak and to say what they think.<sup>51</sup>

The civics textbook notes that during the genocide of 1994, "more than one million Tutsi and moderate Hutu" were killed, but it is silent to other violence experienced by Hutu.<sup>52</sup> The social studies textbook is similar, acknowledging the killing of "Hutu moderates who did not follow the government's extreme policies."<sup>53</sup> As a Hutu youth said, in response to a question about what schools teach about the war from 1990–1993 and genocide,

On the subject of the war and the genocide, they tell us how it developed. For the most part, they taught about genocide. They don't say [anything] about the war. They teach us about the genocide only.<sup>54</sup>

Similarly, at the Kigali Memorial Centre, the panels note that "Hutus who did not comply [help kill Tutsi] were threatened with death. A number of Hutus who did not subscribe to the genocidal ideology, as well as those who tried to protect Tutsis were persecuted and killed."<sup>55</sup> Yet, as in the civics textbook, "of the reprisal massacres of Hutus by the Tutsi rebels there is not a word. Not surprising, perhaps, since the rebels now run the country." A representative of the Aegis Trust, who helped design the museum, claims that this was his decision, not the government's: "in this society at this time it's akin to Britain in 1945 talking about the bombing of Dresden as a war crime."<sup>56</sup>

The reality is more complicated. The British and American air forces that carried out the bombing of Dresden and were key players in ending World War II did not have to govern post-war Germany, nor live alongside German survivors of the bombing or German perpetrators of war. In Rwanda, the Rwandan Patriotic Front ended the genocide through military victory and still leads the country today.

The Rwandan government has made important progress on a number of fronts and is often praised for its role in Rwanda's political stability and economic growth. Indeed, the image of stability and progress of President Paul Kagame's government dominates international reporting and much of academia as well.<sup>57</sup> Yet Rwanda today is much closer to authoritarianism and dictatorship than to democracy, and there is increasing concentration of power around a small group of former Tutsi exiles from Uganda. Many Rwandans experience censorship and self-censorship, and

fear being charged with the vague offenses of “divisionism” and “genocide ideology,” which increasingly seems to mean simply disagreeing with the government.<sup>58</sup>

Several Hutu interviewees felt left out of mourning and lamented that they are not allowed space for their stories and memories of violence. They consider themselves to be victims, but their victimhood remains unacknowledged by the state. Vidal makes a similar argument in reference to commemorations, arguing that Hutu survivors have had their right to publicly suffer and mourn “confiscated.”<sup>59</sup> Burnet notes that while Hutu and Tutsi received joint recognition as victims of the genocide at the first annual commemoration, subsequent commemorations have illustrated that Tutsi hold a “monopoly on suffering” in Rwanda.<sup>60</sup> From early references to the “Rwandan genocide,” the government has moved since about 2008 to calling the events of 1994 the “Tutsi genocide.”<sup>61</sup>

Furthermore, public space for the first two types of narratives—those of Tutsi survivors and Hutu rescuers—paired with the exclusion of Hutu memories of violence and mention only of the death of Hutu moderates, implies that those that do not fall into these first two categories are *génocidaires*. The middle ground between survivor–perpetrator categories is eclipsed and the RPF often hides outlawed ethnic distinctions behind these new categories.

## Unrecognized Tutsi Memories

Fourth, there are also Tutsi memories of war and genocide that do not make it into the public sphere. One female Tutsi youth shared her story:

So, when the war started, we were there, at home. That night we heard life falling and we panicked. Our father counseled us to stay in the hallways, because of the bars [reinforcements] so that we didn't have any accidents. We spent two weeks like that in the house, and our neighbors, those with means, were leaving. They were leaving even if we had really been friends with them before. And after a time, it was military guys that came and took us to Byumba because it was there, beside Uganda where there was no war. Well before, they [the military men, RPF] lived in Uganda, it's from there that they came in [to Rwanda], it's there that there are borders.

So we left for Byumba on foot! From Kigali to Byumba on foot. Me, I was three years, four years old. I had a little brother who was a baby during the war. Well, finding food was a problem. So, he was sick during the war. So we left, we went to Byumba. We were in a school. Well there, the situation, I don't know how [to describe it]. There was no food. There was cholera and sickness everywhere. I remember when we arrived, there was a swimming pool dripping with blood. It was completely red. We were thirsty. So we drank it. Well, it was terrible.

My little brother was still sick. So, we looked for all methods to go to Uganda. They could not accept that my father go with us [he was a medical doctor]. So we left with my mother, my brothers, and my sister. He had to stay. And also, there were the soldiers. There were things that they did. They wanted us to go get all of the boys so that they could go fight. It was the RPF that came asking for boys. So my [older] brother had to hide, so that they wouldn't find him.<sup>62</sup>

The last part of this girl's memory—that the RPF was clandestinely recruiting boys and was feared by some—is contrary to the way the RPF would like to be perceived. Nonetheless, research shows that many Tutsi feared RPF soldiers.<sup>63</sup> In contrast, the RPF sees itself as the savior of Rwandans and as the representative of genocide victims. The type of civilian memory presented above is thus not part of the

memories of violence that are acknowledged by the RPF government, nor noted at the Kigali Memorial Centre, nor in textbooks.

There have been public denunciations by Ibuka, the largest survivor organization, that the government sometimes ill-represents survivor interests and even exploits their suffering for its own ends.<sup>64</sup> As Tutsi genocide survivor Innocent Rwililiza recounted to journalist Jean Hatzfeld,

Basically, it's the Tutsis from abroad, those of the former diaspora, who are running the show. These Tutsis suffered in exile and returned after the killings to reclaim houses, buy the most cows, start up new businesses.... They govern the country. And the survivors, they wind up frustrated, under a crippling inhibition, and they murmur.... Being powerless to voice one's anger, sadness, and longing for what is lost, and unable to tell one's whole story for fear of offending a Hutu or annoying the authorities—this inability to reveal one's heart is sheer torture. I say this sincerely: Survivors have no opportunity to express their true private feelings in public and to ask for a comforting little compensation.<sup>65</sup>

Other survivors told Hatzfeld that they feel they cannot speak publicly about their memories to anyone but other survivors, except when they are called upon during ceremonies, *gacaca*, and mourning week.<sup>66</sup> In short, Tutsi with memories inconsistent with the way the RPF wishes to be perceived are excluded from public space, and some Tutsi survivors feel that their ability to speak out and to be acknowledged is constrained more broadly.

### Unrecognized Memories of Ethnically Mixed Rwandans

Finally, Rwandans of mixed ethnic background are also often restricted in terms of public acknowledgment of their memories. As one teenage boy with a Hutu mother and Tutsi father replied, when asked if he had lost anyone in genocide,

During the genocide, it's hard to say, because, ummm, those that belonged to the family of my father were affected. But they were Tutsis and they were exiled [before the genocide]. Unfortunately, it is my maternal grandmother and grandfather that died. They told us that it was the RPF army that shot them...<sup>67</sup>

When asked whether she felt acknowledged by the government, a Tutsi teenager with parents of two different ethnicities said,

I am a child alone in the world. No father, no mother, no brothers, no sisters. I am alone. I am not able to be helped by the FARG [a government program to help genocide survivors pay for health care and school fees] because it is for children with Tutsi fathers and Tutsi mothers. But me, my mother was Tutsi, my father no.<sup>68</sup>

While the school textbooks say nothing of Rwandans with mixed ethnic heritage, the Gisozi memorial mentions only that "Hutu women in mixed marriages were raped as punishment" and that "Hutu and Tutsi women were forced to kill their own Tutsi children."<sup>69</sup>

Rwandans with mixed ethnic background are often in a particularly difficult position given the post-genocide government's bipolar association of survivor–perpetrator status with ethnicity. Burnet recounts the story of Séraphine, a Hutu, married to a Tutsi husband, who was repeatedly raped. "Despite Séraphine's emotional and physical suffering, she was not perceived as a survivor for two reasons—because she was Hutu and because her husband did not die. Furthermore, with the polarizing discourse in post-genocide Rwanda, because she was not a 'survivor,' Séraphine became classified, by default, as a perpetrator."<sup>70</sup>

## Other

There are many other genres of civilian narratives of violence that have not been discussed here. These include memories of violence of Twa Rwandans, narratives of *repatriés* who were not in the country in 1994 but who are sometimes falsely subsumed into the first category of Tutsi genocide survivors, and, of course, those that were killed and thus unable to share their stories.

In sum, in post-genocide Rwanda, civilians hold a multitude of different and nuanced memories of violence. Yet only some civilian memories of violence are acknowledged while others are repressed. The former are predominantly from Tutsi, and include some narratives from Hutu that helped rescue other Rwandans; the latter are from Hutu who have memories of violence perpetrated by the RPF, and also include Tutsi and ethnically mixed Rwandans whose memories contradict the narrative with which the RPF legitimates its position.

## Implications for Peacebuilding

The selection and distortion of social memory for political interests, while understudied by scholars of conflict and peacebuilding, is frequent. It has long been recognized that the victors write history. Paradoxically, in Rwanda, the strong state structures that facilitated genocide remain and determine the representation of violence. However, the exclusion of certain memories of violence is unlikely to lead to meaningful peacebuilding in Rwanda. Many Rwandans' memories are inconsistent with public ones and there is friction between state discourses and personal narratives.

In terms of reconciliation, several Hutu Rwandans explained that by failing to recognize their pain and to acknowledge their mourning, it is difficult for them to relate to and to embrace the suffering of Tutsi Rwandans. As one Hutu participant at the first National Unity and Reconciliation Summit voiced, "we do not say it loud enough, but the question of Hutu memory is a prerequisite so that people can sit together and sincerely discuss the real problems of this country."<sup>71</sup> As one elderly Hutu man told me, "perhaps if there is reconciliation, things will be okay. But a real reconciliation, where people talk."<sup>72</sup> A lack of acknowledgment is particularly pressing in Rwanda where Hutu and Tutsi in post-genocide Rwanda remain intermingled on the same hills.

Rwanda's Senate report on *Genocide Ideology* condemns as revisionist attempts to "vaguely acknowledg[e] genocide but, in the same breath, [try] to justify it through counter accusations in order to cleanse the real culprits of any responsibility."<sup>73</sup> In contrast, as Godobo-Madikizela suggests as she reflects on South Africa, "in societies trying to break the cycle of hatred and revenge, it is important to first *acknowledge* [emphasis added] as did the TRC, that human rights abuses were committed on both sides, and then to find an effective way of moving society forward."<sup>74</sup> Acknowledging a wider range of civilian memories need not invoke questions of moral equivalence or absolve responsibility for genocide.

By acknowledging only a select category of memories of violence, the government is failing to address and challenge the social cleavages and exclusion that characterized Rwanda's past and may be, moreover, fostering exclusion and social cleavages in the present. This is as true for Tutsi with memories inconsistent with the public narrative as it is for Hutu. This sense of exclusion could help lay the foundations for future intergroup conflict. Devine-Wright explains that memories of victimization harden boundaries between "us" and "them," and foster in-group cohesion and

out-group derogation. Grievances surrounding unacknowledged, or unsettled, historical memories are likely to increase in intensity with time. Unacknowledged emotional (or physical) wounds could be powerful motivations for vengeance, including violence.<sup>75</sup> In Rwanda, lack of acknowledgment of memories of members of the Hutu *majority* may be especially problematic.

In terms of justice, many Rwandans feel that by failing to acknowledge their memories of violence, the RPF is reigning with impunity.<sup>76</sup> This could also hinder a sustainable peace. Falconer argues that reconciliation of memories, an important part of peacebuilding, includes both accepting responsibility for the past actions of one's group and acknowledging the history of the other group to learn from its experiences.<sup>77</sup> As Cole argues, while schools and the narratives that they teach have been largely neglected by the transitional justice literature, they "should have a place at the table."<sup>78</sup> In relation to justice in Rwanda more broadly, Longman argues that the post-genocide justice system highlights certain human rights violations, contributing to the erasure of others. He contends that trials disseminate the RPF narrative and ignore parts of the past that do not fit.<sup>79</sup> Acknowledging only some memories of violence and selectively applying accountability negates the rule of law. The government's monopoly on memory may be considered victors' justice.

The Rwandan government espouses the importance of some tenets of democracy by holding elections, but at the same time engages in antidemocratic practices. For instance, the quality of democracy depends on the participation of its citizens; but the acknowledgment of only some civilian memories involves great exclusion and coercion. Many Rwandans do not feel free to share their opinions or memories in public. The Rwandan character today, explained one female Hutu youth, "it's hiding things. We don't forget, but we hide. Yes, it's difficult, but we try. It is in our character. We don't show you that we hate you. It's difficult. Even if you come to my house, I show you that there is no problem between you and I. But the problem is in my heart. We do not have the habit of opening ourselves, of showing on the exterior what we are thinking on the interior."<sup>80</sup> Others were more explicit about the repression and censorship that they experience. One elderly Hutu woman said that "Rwandans have become liars. We can't say anything because they'll imprison us or kill us."<sup>81</sup> Freedom House International ranks Rwanda as "not free."<sup>82</sup> In the end, neglecting or more actively repressing, certain memories can be both a symptom of, and catalyst for, other forms of repression.<sup>83</sup>

## **Conclusion**

Scholars, international organizations, and victims alike consider acknowledgment of memories of violence an important element of (re)building the social fabric. Since each post-conflict and post-genocide context differs enormously, there is no recipe for acknowledgment in sites like memorials or textbooks. Yet, selecting which memories to include and which to exclude is a common challenge with important consequences. This article suggests that memorials and textbooks are not on the margins of power, as some suggest; there is significant power and important implications vested in the ability to choose how to represent past violence.

In Rwanda, the Kigali Memorial Centre and primary school textbooks, key sites of the official historical record, prioritize only some memories. They exclude the memories of violence of numerous segments of the population and interviews reveal a number of stories that contradict official accounts. Hutu who have memories of violence perpetrated by the RPF, as well as Tutsi, and ethnically mixed Rwandans

whose memories contradict the narrative upon which the RPF legitimates its position, are silenced. This exclusion of many Rwandans' memories is likely to hinder reconciliation, justice, and democracy and undermine durable peace.

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## Notes

1. While there are often many important differences in causes, consequences, and responses to genocide and other forms of violent conflict, there are also many similar challenges in the aftermath, including acknowledgment. The conflict prevention and peacebuilding literature is thus useful in this sense.
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5. Beth Goldblatt, "Evaluating the Gender Content of Reparations: Lessons from South Africa," in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín, 48–91 (New York: Social Science Research Council, 2006), 70; Jamesina King, "Gender and Reparations in Sierra Leone: The Wounds of War Remain Open," in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio-Marín, 246–83 (New York: Social Science Research Council, 2006).

6. Acknowledgment is second only to financial compensation. Ernesto Kiza, Corene Rathgeber, and Holger C. Rohne, *Victims of War: An Empirical Study of War Victimization and Victims' Attitudes Toward Addressing Atrocities* (Hamburg, Germany: Hamburg Institute for Social Research, 2006).
7. Graybill and Lanegran, "Truth, Justice, and Reconciliation in Africa."
8. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, 187.
9. *Ibid.*, 189.
10. Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone* (Washington, DC: United States Institute of Peace, 2005), 1.
11. Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History* (New York: Routledge, 1992).
12. Sebastian Brett, Louis Bickford, Liz Sevenko, and Marcela Rios, "Memorialization and Democracy: State Policy and Civic Action" (paper presented at Memorialization and Democracy: State Policy and Civic Action, Santiago, Chile, 2007).
13. *Ibid.*
14. Mireal-Luminita Murgescu, "Rewriting School Textbooks as a Tool of Understanding and Stability," *Journal of Southeast European and Black Sea Studies* 2, 1 (2002): 90–104.
15. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998), 118.
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18. Elisabeth King, "From Data Problems to Data Points: Challenges and Opportunities of Research in Post-Genocide Rwanda," *African Studies Review* 52, 3 (2009): 127–48.
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27. Alison Des Forges, *Leave None to Tell the Story* (New York: Human Rights Watch, 1999).
28. United Nations Development Programme, *Human Development Report 1997* (New York: Oxford University Press, 1997).

29. Anne-Marie de Brouwer, *Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR* (Antwerp: Intersentia, 2005).
30. Des Forges, *Leave None to Tell the Story*, 11. Lee Ann Fujii, *Killing Neighbors: Social Dimensions of Genocide in Rwanda* (Ithaca, NY: Cornell University Press, 2009).
31. Interview, 14 February 2006. This and all subsequent quotations are the author's translation from the French.
32. Notes from visits to the Kigali Memorial Centre and from its Web site.
33. There are a number of further places where one can find survivors' memories of violence in their own words. For one of the first collections to include vivid descriptions of the atrocities inflicted upon Tutsi victims in their own words, see African Rights, *Rwanda, Death, Despair and Defiance* (London: African Rights, 1994). In *Rwanda: The State of Research* (Online Encyclopedia of Mass Violence, 4 November 2007) <http://www.massviolence.org/Rwanda-The-State-of-Research> (accessed 15 May 2009), René Lemarchand points to Yolande Mukagasana and Patrick May's *La mort ne veut pas de moi*, Mukagasana's *Les blessures du silence*, and Venuste Kayimahe's *Témoignage d'un rescapé* as important pieces of "witness literature." Browsing the Internet, one encounters "Voices of Rwanda" (VOR), an NGO dedicated exclusively to recording the testimonies of genocide survivors (<http://www.voicesofrwanda.org>); the Holocaust Memorial Day Trust (<http://www.hmd.org.uk/resources/cat/3/>); and Aegis Trust (<http://www.aegistrust.org>).
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36. Lars Waldorf, "Revisiting Hotel Rwanda: Genocide Ideology, Reconciliation, and Rescuers," *Journal of Genocide Research* 11, 1 (2009): 101–25.
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43. Doughty, "Commemoration and Narratives of Community Healing," 196.
44. Baranyizigiye et al., *A Guide to Civic Education*, 36.
45. For other stories from Hutu rescuers, see Villia Jefremovas, "Acts of Human Kindness: Tutsi, Hutu and the Genocide," *Issue: A Journal of Opinion* 23, 2 (1995): 28–31.
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47. Jennie E. Burnet, "The Injustice of Local Justice: Truth, Reconciliation, and Revenge in Rwanda," *Genocide Studies and Prevention* 3, 2 (2008): 173–93, 188.
48. Senate of Rwanda, *Rwanda Genocide Ideology and Strategies for Its Eradication* (Kigali: Rwanda Parliament, 2006), 17.
49. Des Forges, *Leave None to Tell the Story*; Nigel Eltringham, *Accounting for Horror: Post-Genocide Debates in Rwanda* (London: Pluto Press, 2004); International Crisis Group, "Rwanda at the End of the Transition: A Necessary Political Liberalisation," in *Africa*

- Report (Nairobi: International Crisis Group, 2002); Filip Reyntjens, "Rwanda, Ten Years On: From Genocide to Dictatorship," *African Affairs* 103 (2004): 177–210.
50. Interview, 3 April 2006.
  51. Interview, 21 March 2006.
  52. Baranyizigiye, et al., *A Guide to Civic Education*, 36.
  53. Bamusanire et al., *Primary Social Studies 6: Pupil's Book*, 61–62.
  54. Interview, 3 April 2006. Public space in Rwanda is closed to nearly all Hutu narratives of violence. Yet, some published testimonies by Hutu are now being read internationally, such as Marie-Béatrice Umutesi's *Surviving the Slaughter*, which recounts her experience as a Hutu in Rwanda before and after the genocide, and in exile in the Congo thereafter (Madison: University of Wisconsin Press, 2004). In *Rwanda: The State of Research*, Lemarchand suggests that other narratives focusing on ethnic cleansing in the aftermath of genocide include Maurice Niwese, *Le peuple rwandais un pied dans la tombe: Récit d'un réfugié étudiant*, Philippe Mpayimana, *Réfugiés rwandais: Entre marteau et enclume. Récit du calvaire au Zaïre, 1996–1997*, and Benoit Rugumaho, *L'hécatombe des réfugiés rwandais dans l'ex-Zaïre: Témoignage d'un survivant*. These books may someday contribute to international acknowledgment of the violence perpetrated against Hutu, yet so far, the international community remains very complimentary of the current Rwandan government. Some change was underway as this article went to press. The UN had just released a major report documenting atrocities in the DR Congo, including those perpetrated by Rwandan forces. See: *Democratic Republic of the Congo, 1993–2003: Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003*. (Geneva: United Nations Office of the High Commissioner for Human Rights, October 2010).
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  65. Jean Hatzfeld, *The Antelope's Strategy: Living in Rwanda after the Genocide* (New York: Farrar, Straus and Giroux, 2009), 89–90.
  66. *Ibid.*, 82–83, 105.
  67. Interview, 14 February 2006.
  68. Interview, 4 March 2006.
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  70. Burnet, "Whose Genocide? Whose Truth?" 90–91. For what Lemarchand (in *Rwanda: The State of Research*, 5) describes as "one of the most arresting and unbiased" survivor testimonies, by a Rwandan of mixed ethnic origins, see Edouard Kabagema, *Carnage d'une nation: Genocide et massacres au Rwanda, 1994* (Paris: Editions L'Harmattan, 2002).
  71. Quoted in Vidal, "Les commémorations du génocide au Rwanda," 46; author's translation.
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  74. Quoted in James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russell Sage Foundation, 2004).
  75. Patrick Devine-Wright, "A Theoretical Overview of Memory and Conflict," 14–15.

76. See Eltringham, *Accounting for Horror*; Gérard Prunier, *The Rwanda Crisis: History of a Genocide 1959–1994* (London: C. Hurst and Company, 1997).
77. Ed Cairns and Michael D. Roe, “Introduction: Why Memories in Conflict?” in *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Michael D. Roe (New York: Palgrave Macmillan, 2003).
78. Elizabeth Cole, “Transitional Justice and the Reform of History Education,” *International Journal of Transitional Justice* 1 (2007): 115–37, 120.
79. Timothy Longman, “Memory, Justice and Power in Post-Genocide Rwanda” (paper presented at the Meeting of the American Political Science Association, Philadelphia, 2006).
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# Dilemmas of Teaching the “Greatest Silence”: Rape-as-Genocide in Rwanda, Darfur, and Congo

Kimberley A. Ducey  
*University of Winnipeg*

*The author describes the dilemmas of teaching about rape-as-genocide, focusing on Rwanda, Darfur, and Congo. While theoretically and methodologically sophisticated academic writings are a crucial part of the pedagogical approach described here, the author's focus is on the dilemmas associated with using testimonials and memoirs, documentaries, and commentaries. It is argued that such discourse helps make the subject matter more accessible to undergraduates. One of the key issues that arises from this discussion is students' preference for first-hand accounts. Excerpts from the students' writing dispersed throughout the article provide an essential and frank assessment of the importance of the approach described. The method of instruction encompasses pedagogical issues that cut across disciplines and will appeal to instructors in a broad range of fields. The author systematically analyzes students' written work for evidence of learning.*

*Key words: genocidal rape, Rwanda, Darfur, Congo, genocide, sexual violence, pedagogy*

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## Introduction

The 1994 Rwanda Genocide is commonly referred to as the “machete genocide” because perpetrators systematically hacked their victims to death with machetes. Such descriptors are understandable and may encourage awareness of genocide; arguably, however, the number of dead becomes “the definitive measure of tragedy even though it may *distance* us from the human consequences of genocidal actions.”<sup>1</sup>

When my students hear the word “genocide,” they usually do not think of mass rape methodically planned to wipe out an ethnic group—in whole or in part. They do not generally think of women deliberately infected with HIV in an orchestrated attempt to ensure that future sexual partners, and children of survivors, will be infected as well and ultimately killed by the disease. These matters get to the heart of the current article—the dilemmas of teaching about rape-as-genocide.

The approach described here is an effective tool for a pedagogical examination of traditional attitudes toward women that tacitly condone violence against women. It serves as a catalyst for discussions regarding the lingering effects of rape-as-genocide (e.g., survivors suffer severe stigma and discrimination, especially if they are also living with HIV; they frequently endure the denial of their rights to employment, property, and inheritance). Furthermore, this approach serves as a vehicle for discussions concerning social, political, and cultural climates in which women find it extremely difficult to speak openly about sexual violence or give testimony in court.

In Rwanda, for example, some survivors choose not to participate in the traditional *gacaca* courts because many rapists receive short sentences and are released back into the community in exchange for their confessions.<sup>2</sup>

While theoretically and methodologically sophisticated pedagogic discourse is a crucial part of my approach to teaching about rape-as-genocide, the current focus is on testimonials and memoirs, documentaries, and commentaries, which help make the subject matter more accessible to undergraduates. One of the key issues that arises from this discussion is students’ preference for first-hand accounts. Excerpts from students’ writing (including take-home exams, anonymous course evaluations, and personal correspondence via e-mail) dispersed throughout this article provide an essential and frank assessment of the importance of the approach described here.

From the outset, two caveats are in order. One, teaching about rape as a weapon of genocide is not viewed as a zero-sum game in which every word about male victimization automatically leads to one less word on female victimization or vice versa. Although sexual violence and rape are perpetrated against girls and boys, women and men, discussion in this article is largely limited to the experiences of girls and women. Two, it should be acknowledged that there are particular issues when dealing with victims of rape (in any context) regarding protection, the difficulty of giving evidence, and the need to avoid re-traumatization.<sup>3</sup>

## **General Overview of the Course**

I include a unit on rape-as-genocide in an advanced sociology course on comparative genocide. An examination of several cases provides the foundation for comparative analysis, including Rwanda, Darfur, and Congo.

In addition to a unit on rape, topics include micro- and macro-level theories; the development of human rights in international law; the relationship between human rights and genocide; the history of the criminalization of genocide; and prevention and prosecution strategies (i.e., early warning systems, punishment as deterrence, the UN, the International Criminal Court, and the role of NGOs).

Topics are arranged in specific chronological order. Classic social psychological studies—including Stanley Milgram’s obedience experiments and Philip Zimbardo’s Stanford prison experiment—are introduced near the beginning of the course, helping students grasp how ordinary (wo)men become bystanders and even perpetrators of genocide.<sup>4</sup>

Ervin Staub’s work is also studied early in the course as we contemplate not only how those in authority bring about compliance, but also how the motivation of the entire group evolves. Students are asked to grapple with Staub’s (1989) conclusion that “Milgram’s dramatic demonstration of the power of authority, although of great importance, may have slowed the development of a psychology of genocide, as others came to view obedience as the main source of human destructiveness.”<sup>5</sup>

Students then familiarize themselves with the Goldhagen controversy,<sup>6</sup> and in the process become acquainted with decades of research on the Holocaust conducted by such prominent scholars as Hannah Arendt, Omer Bartov, Martin Broszat, Christopher Browning, Saul Friedländer, Raul Hilberg, Herbert C. Kelman, Robert Jay Lifton, and Hans Mommsen. The course ends with theoretical insights on obstacles to reconciliation and discussions on how to prevent genocide.

## **Unit on Rape-as-Genocide**

I recognize the necessity and value of theoretically sophisticated scholarly works, including the work of feminist legal scholars.<sup>7</sup> Such discourse plays a pivotal role in

my teaching.<sup>8</sup> The stress on the theoretical ensures that the academic material students are supposed to learn is not sacrificed despite the prominence in my course of testimonials and memoirs, documentaries, and commentaries.

In this vein, Allison Reid-Cunningham's (2008) "Rape as a Weapon of Genocide" offers an invaluable introduction, including a brief history of sexual violence and rape in armed conflict and genocide; an overview of the scope of the current problem; the contextualization of sexual violence and rape in terms of social and cultural realities; the effects of rape, including infection, illness, injuries, pregnancy, psychosocial problems, and post-traumatic stress; and consequences for communities, including stigma, deterioration of family, and societal structures. An educator seeking an article to include in a lesson or unit on rape would almost certainly find this piece an ideal introduction for university and college students.<sup>9</sup>

For a focus on Sudan, Kelly Askin's (2006) "Holding Leaders Accountable in the International Criminal Court (ICC) for Gender Crimes Committed in Darfur" proves effective in focusing students' attention on how rape and other forms of sexual violence have been prominent features of the ongoing attacks committed by government of Sudan (GS) troops and the Janjaweed (Arab militia). Following a discussion of specific cases of rape and other sexual crimes committed in Darfur, Askin discusses how such crimes can be, and have been, prosecuted as war crimes, crimes against humanity, and genocide. Other topics discussed include concepts of individual and superior responsibility, and the need to hold leaders liable for sex crimes.<sup>10</sup>

## **Human Rights and International Law**

Students are introduced to human rights legislation and supranational criminal law and procedure in the next part of the unit on rape-as-genocide. Anne-Marie de Brouwer's (2005) "Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR,"<sup>11</sup> selections from Alexandra Stiglmayer's (1994) *Mass Rape: The War Against Women in Bosnia-Herzegovina*<sup>12</sup> and Adam Jones' (2004) *Gendercide and Genocide*<sup>13</sup> prove especially effective in providing a history of rape as a weapon of war and genocide. Moreover, de Brouwer, Stiglmayer, and Jones successfully raise the question of whether supranational criminal law and procedure are satisfactory from the perspective of victims of sexual violence. Consequently for students, a paramount question becomes whether sexual crimes against girls and women in Rwanda, Darfur, and Congo will fade from public and historical consciousness or survive as exceptional cases. After all, even where rape and forced prostitution is mass or systematic historically, as occurred in both arenas of World War II, or when cases have shaken the global conscious, such as in the "rape of Nanking," survivors do not characteristically obtain redress. Though the "rape of Nanking" was discussed in the judgment of the International Military Tribunal for the Far East (IMTFE) (1946–1948), also known as the Tokyo Trials or the Tokyo War Crimes Tribunal, rape was not separately charged against the Japanese commander as a crime. It was not until 1992, in the face of widespread rapes of women in the former Yugoslav Republic, that the issue of sexual violence in conflict finally came to the attention of the United Nations Security Council.<sup>14</sup>

The first international judicial body to recognize rape and sexual violence as genocide was the International Criminal Tribunal for Rwanda (ICTR). The ICTR was established by the United Nations Security Council in November 1994 with a mandate of judging those responsible for the genocide and other grave violations of international law. The inauguration of the ICTR was followed by the establishment of the permanent International Criminal Court (ICC) that came into effect on 1 July

2002. In June 2008, the United Nations Security Council adopted UN Resolution 1820, aimed at ending sexual violence in conflict.

### **Testimonials and Memoirs: *The Men Who Killed Me and Tears of the Desert***

The ability of first-hand accounts to bring another dimension to students' understanding of rape-as-genocide is unmistakable. In the absence of survivors as guest speakers, these narratives play a prominent role in my students' education. To this effect, in the case of Rwanda, I have found no better source than de Brouwer and Sandra Chu's (2009) *The Men Who Killed Me*.<sup>15</sup>

The testimonials of seventeen genocidal rape victims—sixteen women and one man<sup>16</sup>—as detailed in de Brouwer and Chu's work enhances students' understanding of rape-as-genocide. For example, students are stunned to learn that some Rwandan survivors still live within walking distance of those who committed violence against them. A student addresses this issue in her exam:

[In] the traditional gacaca courts Rwanda had prior to 2008, [they had] jurisdiction to deal with all crimes related to the genocide, except for crimes known as "category one crimes" (i.e., crimes committed by the planners and supervisors of the genocide, as well as rape and sexual torture). Category one crimes were intended to be prosecuted before national courts. However, the undertaking was so colossal that approximately 6,808 individuals accused of category one crimes were transferred to the gacaca courts under the amended genocide law in 2008.<sup>17</sup> And this is why as one survivor puts it, "when I look out my window in the morning, I see the men who raped me, freely walking on their way to work."<sup>18</sup> And this is almost certainly why, while each survivor's testimonial [contained in *The Men Who Killed Me*] is incomparable, one similarity is that they believe justice is not served. Of course I understand from other readings that judicially the gacaca courts have in some ways ensured justice *is* served, despite the consistently unenthusiastic views articulated by survivors in [*The Men Who Killed Me*]. But now the words of survivors like Hyacintha Nirere haunt me. "I go to the gacaca courts, but I am more and more frightened to give my testimony when I see what happens to other survivors when they do so. They are intimidated, or, even worse, killed. I wonder why I should give my testimony, because the Interahamwe are being released. It seems that our testimonies in gacaca courts are more formalities than truly helpful."<sup>19</sup>

*The Men Who Killed Me* unquestionably highlights the authority of survivors as shown in the previous student's comments, as well as in the following anonymous evaluation for the course:

I may forget a theory or who said what, but I will never ever forget the woman [from *The Men Who Killed Me*] who had been chained to a bed for three months and raped continuously by a dozen of her captors. Her words are seared into my psyche. Whether she's in the fields, or at home, or at market, she will never get the smell of semen out of her nostrils.

Many of the testimonies in *The Men Who Killed Me* are arguably even more unsettling and shocking. They give witness to the vituperative misogyny that contaminates so much of the modern world.

De Brouwer and Chu's work provides a candid and multifaceted discussion of sexual violence during the 1994 genocide, including its ruthlessness and methodical orchestration; the culture of pre-existing gender inequality that helped create an

environment that maliciously targeted women; and the systematic propaganda, which contributed appreciably to encouraging sexual violence against Tutsi women, the public nature of the rapes, and the level of brutality. Moreover, the publication sheds light on the stigma rape victims face today.<sup>20</sup>

Regarding organized propaganda, *The Men Who Killed Me* documents how the Hutu “Ten Commandments,” published in December 1990, focused—in part—on the sexuality of Tutsi women. For example, the first “commandment” describes Tutsi women as tools of their ethnic community, used to weaken and destroy Hutu men. Furthermore, students learn that newspapers, such as the publication responsible for originally circulating the “Ten Commandments,” commonly featured cartoons that portrayed Tutsi women, and even the moderate Hutu Prime Minister Agathe Uwilingiyimana who was later assassinated, as sexual objects.<sup>21</sup>

Furthermore, the book details how men, primarily of Tutsi ethnicity, were sexually assaulted, often by the mutilation of their genitals, which were sometimes displayed in public; and that in some cases Tutsi boys and men were forced to rape Tutsi women or were forced by Hutu women to have sex with them.<sup>22</sup>

*The Men Who Killed Me* helps students who might otherwise object to the female-centered nature of the discussion of rape by not only including a testimonial from a man and giving voice to the sexual assaults men endured, but also because the women’s testimonials are replete with examples of the horrors their loved ones suffered, including sons, husbands, fathers, and brothers.

As Françoise Mukeshimana describes how her brother was ordered to dig his own grave just prior to her being gang raped, one is left with the indelible impression that there is in all probability no completely female-centered discussion of genocide-as-rape:

[T]he Interahamwe hit my brother with a huge club and told him to look at his sister for the last time. As he looked at me, he begged them to kill me first, because he feared that I would die of pain. Instead, they continued to bash him, until he died looking into my eyes. The Interahamwe then proceeded to discuss how they would kill me. One of them argued that it would be a great mistake if they killed me without humiliating me first. He said that they should strip me naked and do to me all that they wanted.<sup>23</sup>

*The Men Who Killed Me* also documents legislative changes in post-genocide Rwanda (e.g., laws that guarantee girls and women the same rights as boys and men to inherit property), and responses by non-governmental organizations, the international community, and the ICTR. It contains a discussion of the UN Security Council Resolution 1820.<sup>24</sup>

Finally, the publication provides an overview of the roots of violence in Rwanda, including the complex and bloody history between Tutsi and Hutu starting with the Belgian colonialists’ arrival in 1916; the growing resentment among the Hutu about the special treatment of Tutsi over the years; and the effects of Rwandan independence from Belgium in 1962, including the forced exile of more than 700,000 Rwandan Tutsi to neighboring countries between 1959 and 1973. It brings to light the growing denial of what happened during the 100-day genocide and remarks on the resurgence of contemporary genocidal ideology in Rwanda and other countries.

Halima Bashir’s *Tears of the Desert: A Memoir of Survival in Darfur* (2008)<sup>25</sup> also proves beneficial in making the subject more accessible to students and is an effective way to highlight the authority of survivors. Bashir was born in Darfur, and was raised in a loving family that was part of the black African Zaghawa tribe. In an

unusual opportunity for a girl of her village, she attended junior and secondary school. Bashir even went on to study medicine, becoming her tribe's first trained doctor. By the time she had started to practice medicine, the Janjaweed had begun attacking black Africans in Darfur with the support of the local Sudanese government. Her willingness to treat those rebelling against the government and the Janjaweed got her dangerously noticed.

In January 2004, the militia attacked a remote school and gang-raped forty-two schoolgirls. Bashir was the only source of help in the neighboring one-room medical clinic. When she bravely spoke out regarding the atrocities, she was arrested by the secret police, interrogated, tortured, and raped. She escaped to her home village, but the violence followed her there, and her father and other relatives were killed in reprisal. Bashir was forced to flee Sudan in 2005 to seek a tenuous asylum in Britain.

Students are fond of referring to Bashir's story. They report that her memoir helps them understand how sexual violence begins and how, when unchecked, it can become rape-as-genocide. Students also value the historical background Bashir provides that assists in their understanding of the violence that overwhelms Darfur. They especially appreciate the epilogue regarding the history and causes of the current situation in Darfur.

An excerpt from a student's exam illustrates the first point, how sexual violence becomes rape-as-genocide:

Rape as a weapon of genocide is destructive to their person, their ethnic bonds, and to their physical health. I recognize that mass rape can destroy a substantial part of a group and therefore constitutes genocide. Prosecuting the rapes in Darfur, for example, as crimes against humanity would get at the crime's gravity. However, when all's said and done, genocide is a whole other order of destruction. And it is clear that thousands of women and girls are attacked by rapists as a means of destroying their ethnic group.

As it relates to the usefulness of the historical background provided by Bashir, a student—via e-mail—remarks,

I'm confessing my ignorance here but one thing I hadn't really realized [prior to reading *Tears of the Desert*] was the involvement of the British. It reminds me of the Belgians in Rwanda. By installing the Arabs to govern Sudan they helped create the very atmosphere in which this conflict would sooner or later ignite. Bashir states: "My father glanced at me, his eyes glinting. 'But you know the worst thing the British did? The very worst? When they left they gave all the power to the Arab tribes. They handed power to the Arabs. Now that's the sort of things you should be learning at school.'"<sup>26</sup>

### **Sensitizing, Not Traumatizing**

It should be noted that students report that *The Men Who Killed Me* and *Tears of the Desert* are particularly graphic. As a guiding principle and in pursuit of what Donald Schwartz (1990) calls "sensitizing not traumatizing,"<sup>27</sup> I offer from the outset alternative ways of meeting the course requirements. Correspondingly, the United States Holocaust Memorial Museum's guidelines for teaching read as follows: "Students are essentially a 'captive audience' . . . a basic trust [is] the obligation of the teacher to provide a 'safe' learning environment. . . . Try to select images and texts that do not

exploit the students' emotional vulnerability or that might be construed as disrespectful of the victims themselves."<sup>28</sup>

Despite the option of replacing *The Men Who Killed Me* and/or *Tears of the Desert* with other comparable (less graphic) readings, no student has yet made such a request. Instead, a typical response to unsettling accounts goes something like this: "If you feel uncomfortable when you read this material, that's good." Or as another student put it,

Sometimes I deliberately stay away from books like [*Tears of the Desert*] because I know they will be difficult to read, but at the same time I think it's crucial for us to read these accounts so we can be more informed regarding the appalling things that are sadly still happening in the world today. I have friends who think genocide started and ended with the Holocaust. Besides, it's too easy to be complacent while watching the news about countries on the other side of the world, thinking that it doesn't involve us. But then the news, if it even reports on sexual violence as genocide, usually spotlights statistics. Reading *Tears of the Desert*, and getting to know Halima [Bashir] and her family through the pages of the book, genuinely put a human face on the tragedy occurring in Darfur.

The same considerations regarding "sensitizing not traumatizing" students arise regarding documentaries. However, as with *The Men Who Killed Me* and *Tears of the Desert* no student has yet requested a less graphic substitution when it comes to films. In fact, when students are absent from class, and consequently miss a viewing, they appear to go out of their way to locate the documentary (e.g., request my copy, inquire into where they might locate it on online, or rent it).

### **Documentaries: *G-d Sleeps in Rwanda*, *Mothers Courage*, *Thriving Survivors*, and *The Greatest Silence: Rape in the Congo***

Films are a good way "to highlight the validity of life outside ... textbooks."<sup>29</sup> Like *The Men Who Killed Me* and *Tears of the Desert*, the documentaries *G-d Sleeps in Rwanda* (2005),<sup>30</sup> *Mothers Courage, Thriving Survivors* (2005),<sup>31</sup> and *The Greatest Silence: Rape in the Congo* (2007)<sup>32</sup> redirect students' attention to the tens of thousands of girls and women who are victims of genocide.

In *G-d Sleeps in Rwanda*, the filmmakers chronicle the genocide's impact on five women. Each lost many, if not all family members, during the genocide. Similarly, *Mothers Courage, Thriving Survivors* offers testimonies from women survivors of the 1994 genocide. As is the case in *G-d Sleeps in Rwanda*, it chronicles women struggling to rebuild their lives and their country.<sup>33</sup>

Writing via e-mail, a student reflects on *G-d Sleeps in Rwanda*, illustrating its value as an educational tool:

[H]ow incredibly inspiring I found *G-d Sleeps in Rwanda*. Based on the subject matter, I assumed it would be terribly hard to watch, and some parts certainly were. But I was so incredibly moved by the strength and ability of the women to persevere in the face of so much violence and repeated devastating attacks. I kept thinking to myself, "Don't ever, ever underestimate women." I felt incredibly proud to be a part of such an extraordinary gender. It is a staggering statistic that 70% of the Rwandan population is now female, but also incredible that so many women have risen to the occasion to become political leaders, heads of households (some at such a young age), and are able to accomplish such labor-intensive jobs (not that I ever doubted women could do such things!!!).

The student continues:

In some of the readings, the sexual violence perpetrated against these women seems to be understood to be the equivalent of killing them through psychological damage, physical torture, or damage to their reproductive system, and through the damage it creates in their families and communities. And though all of these disgusting intended consequences are true, the point is many of these women are still *not dead*. And are astoundingly able to create solidarity and to rebuild their communities and families. It is TRULY remarkable and inspirational to see some positive things come from such horrible events. It is really important to focus on such things. . . . I think [*G-d Sleeps in Rwanda*] has given me yet another perspective in a horrific, yet direly important topic.

"The idea that sexual violence in Rwanda was not merely the product of a few misogynist Hutu extremists, but a thorough-going policy of the state and its agents leaves me speechless," another student writes in reaction to *Mothers Courage, Thriving Survivors*. "That stories like Athanasie Mukarwego's, who was raped while her four children were sequestered in the next room, would not attract enough interest or compassion to make powerful people and nations take immediate action, makes me both distressed and furious."

As a final example of the pedagogical power of film, *The Greatest Silence: Rape in the Congo* presents evidence that rape and sexual torture of girls and women in the Congo is meticulously carried out to create and prolong an atmosphere of political and economic insecurity in a country where valuable natural resources are exploited by profiteers.

Corresponding via e-mail, a number of students describe their reactions to the film: "After watching [*The Greatest Silence: Rape in the Congo*] I decided to protest China's aid to the repressive regime in Darfur, part of what is destabilizing all of central Africa. It makes me feel better to know that I'm doing something." A second student remarks, "It is utterly incomprehensible that there is so little media coverage on this. . . . Every day we are suffocated by endless entertainment 'news,' and then zero about the Congo." A third student writes:

All this in a world where slogans like "women's rights" appear frequently in news accounts and are echoed in the best lecture halls universities have to offer. Shame that more people can't see this [film], isn't it? Meanwhile some brainless horror flick, which glorifies rape, or uses rape to shock and sell tickets, sells out three weeks in a row [at the local theater].

### **Commentary by Eve Ensler**

Two commentaries, written by Eve Ensler and published in 2007 by *The Washington Post* and *Glamour* magazine, are frequently mentioned by students during discussions of rape-as-genocide. While one can appreciate that giving commentaries to students for discussion makes sense, commentary alone is not sufficiently academic. It does, however, make the subject matter more accessible.

Ensler's work, in combination with a scholarly piece like Reva N. Adler, Cyanne E. Loyle, and Judith Globerman (2007),<sup>34</sup> helps students make links between the social position of women in Congo, the life of women prior to the 100-day Rwanda genocide, and the ultimate devaluation of girls and women during and after genocide. An excerpt from an exam illustrates the success of this approach:

According to Adler, Loyle, and Globberman (2007), under Rwandan law, prior to 1994, women were banned from inheriting property, entering into any legal agreement, or even opening a bank account without the permission of their husbands; very few held positions of power inside government.<sup>35</sup> In Congo, Ensler (2007) found that for at least one man it was more important to protect gorillas than women. . . .<sup>36</sup> Social constructions of masculinity and systematic sexism are indispensable to understanding violence against women—sexual and otherwise. In times of peace, it is no different.

A second example of the efficacy of Ensler's commentary is in its ability to encourage students to think analytically about the UN Convention on Genocide. "Ensler (2007) unmistakably links rape in the Congo to at least four of the five elements of genocide outlined in the UN Convention," argues one student. Similarly, a student referring to Samantha Power (2002) and then Ensler (2007) remarks,

According to the UN Convention, genocide includes 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, and forcibly transferring children of one group to another group.<sup>37</sup> Rape clearly fits into each of the requirements for genocide. Mass rape results in the death of many women, including as a result of HIV/AIDS. It causes both mental and physical harm to the survivors, including vesicovaginal and rectovaginal fistula. It renders survivors unable to bear children, which stifles the next generation. It results in diluting the ethnicity of the victim's children, which serves to damage her community. "Clearly these rapes are not done to satisfy any sexual desire but to destroy the soul. The whole family and community are broken."<sup>38</sup>

A third advantage of Ensler's commentary lies in its capacity to encourage students to think critically, even about seemingly positive steps to combat sexual violence. For example, a year after the adoption of Resolution 1820, the UN dubbed Congo the worst place on earth to be female; and while sources like *The Men Who Killed Me* offer an overview of Resolution 1820, Ensler (2009) offers a more critical appraisal:

Resolution 1820 must be enforced with seriousness by the Security Council and the secretary general. Arrests need to be made immediately of known rapists and war criminals at the highest levels. The United Nations must stop supporting military actions, because they are doomed in Congo. And the root economic causes of the war need to be addressed with the leaders of countries in Africa's Great Lakes region who commit violence to reap benefits from Congo's minerals, as well as their Western corporate partners. They, too, are liable for these atrocities. . . . The women of eastern Congo are enduring their 12th year of sexual terrorism. The girl children born of rape are now being raped. What will it take for the United Nations to finally do something meaningful to stop the violence? The women are waiting.<sup>39</sup>

Though an arguably cursory summary of the situation in Congo, Ensler's piece cited above, used in combination with scholarly materials, effectively encourages critical thinking and leads to theoretically sophisticated analysis.

Last, a recurring theme in students' comments relates to Ensler's description of women lined up at her door before breakfast wanting to talk.<sup>40</sup> "There were actual lineups of women wanting to be heard!" wrote one student in typical fashion. Students consistently conclude, as does Ensler, that the deepest wounds for survivors is the sense that they have been forgotten, that they are invisible, and that

their pain has no meaning. The simple act of listening to survivors has a profound impact on students and their education.

## Conclusions

Despite the sophisticated and theoretically informed reflections typically provided by students, understanding the unrelenting brutality that is genocide lies outside their experience for the majority of them. Furthermore, statistics like "500,000 raped" are impossible to grasp. First-hand accounts promote solidarity with victims and a deeper understanding of rape-as-genocide, including its lingering effects in post-genocide societies.

How effective might the approach described here be in other contexts, in other institutions, and with other students? Committed to multi-disciplinary social justice research, the public institutions in Canada where I have taught are richly diverse communities. A large number of undergraduates are immigrants or first-generation students. At least a half-dozen of my students are survivors of genocide and war. My students also tend to be a little older than traditional college age, which may mean they are more likely to possess the sensibilities required to address these sensitive issues. Finally, the course is offered to senior undergraduates. These factors may help explain the incredibly articulate and well-written responses I typically receive.

The implications here go beyond any one course however. Ignoring sexual violence, either by excluding it from the curriculum or by mentioning it merely in passing, has significance. In such cases, educators inadvertently send the message that rape-as-genocide is not worthy of our attention. Thus, we contribute to "the greatest silence." Furthermore, neglect of rape-as-genocide adds to the normalization of rape (in any context).

In the end, the choice of pedagogical approach is unavoidably accompanied by a "taking of sides." I prefer to include first-hand accounts because no one person can give genuine voice to victims and survivors of rape-as-genocide.

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## Notes

1. Andrew Woolford, "Making Genocide Unthinkable: Three Guidelines for a Critical Criminology of Genocide," *Critical Criminology* 14, no. 1 (2006): 89.
2. Anne-Marie de Brouwer and Sandra Chu, eds., *The Men Who Killed Me: Rwandan Survivors of Sexual Violence* (Vancouver: Douglas & McIntyre, 2009), 150–51.
3. See, for example, Julie Mertus, "Truth in a Box: The Limits of Justice Through Judicial Mechanisms," in *The Politics of Memory: Truth, Healing and Social Justice*, ed. Ifi Amadiume and Abdullahi A. An-Na'im (London: Zed Books, 2000); Julie Mertus, "The Politics of Memory and International Trials for Wartime Rape," in *Political Transition: Politics and Cultures*, ed. Paul Gready (London: Pluto, 2003); Michelle Staggs Kelsall and Shanee Stepakoff, "'When We Wanted to Talk About Rape': Silencing Sexual Violence at the Special Court for Sierra Leone," *International Journal of Transitional Justice* 1 (2007): 355–74.

4. There is a substantial literature one might draw on from the perspective of perpetrators including Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006); Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005); Charles Mironko, "Igitero: Means and Motive in the Rwandan Genocide," *Journal of Genocide Research* 6 (2004): 47–60; Christopher Browning, "German Memory, Judicial Interrogation, and Historical Reconstruction: Writing Perpetrator History from Postwar Testimony," in *Probing the Limits of Representation: Nazism and the "Final Solution"*, ed. S. Friedländer (Cambridge, MA: Harvard University Press, 2002), 407.
5. Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), 29.
6. Daniel Jonah Goldhagen in *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Knopf, 1996), argues it was not "ordinary men" but "ordinary Germans" who willingly engaged in genocidal acts, because they had internalized a cultural model of extreme anti-Semitism. Students are required to critique Goldhagen's interpretation of the historical record. In pursuit of this goal, they also read Christopher Browning's alternative explanation of the German Police Battalion court transcripts, in *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1993, 1998)—the same transcripts on which Goldhagen relies in making his argument for a peculiarity German "eliminationist anti-Semitism."

The debate between Goldhagen and Browning is of great importance. As Wayne Morrison notes,

In Browning's account the reader must always consider a reflexive question: "if I was in that position can I really be sure I would not have participated?" ... If Goldhagen is correct there are no general lessons to learn from the Holocaust ... But if Browning is correct we are dealing with a general potentiality.

Wayne Morrison, "'Reflections with Memories': Everyday Photography Capturing Genocide," *Theoretical Criminology* 8 (2004): 341–58, 345.

7. See for example, Robyn Charli Carpenter, "Surfacing Children: Limitations of Genocidal Rape Discourse," *Human Rights Quarterly* 22 (2000): 428–29.
8. Academically sophisticated sources include Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis: University of Minnesota Press, 1996); Claudia Card, "Rape as a Weapon of War," *Hypatia* 11 (1996): 4–18; Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997); Shiva Eftekhari, *Struggling to Survive: Barriers to Justice for Rape Victims in Rwanda* (New York: Human Rights Watch, 2004); Karen Engle, "Feminism and Its (Dis)Contents: Criminalizing Wartime Rape in Bosnia and Herzegovina," *The American Journal of International Law* 99 (2005): 778–816; Nancy Farwell, "War Rape: New Conceptualizations and Responses," *Affilia* 19 (2004): 389–403; Judith Gardam, "Women and the Law of Armed Conflict: Why the Silence?" *The International and Comparative Law Quarterly* 46 (1997): 55–80; Judith Gardam and Michelle J. Jarvis, *Women, Armed Conflict and International Law* (The Hague: Kluwer Law International, 2001); Richard J. Goldstone, "Prosecuting Rape as a War Crime," *Case Western Reserve Journal of International Law* 34 (2002): 277–86; Jennifer Green, "Uncovering Collective Rape: A Comparative Study of Political Sexual Violence," *International Journal of Sociology* 34 (2004): 97–116; Anna Høglund, "Justice for Women in War? Feminist Ethics and Human Rights for Women," *The Journal of the Britain and Ireland School of Feminist Theology* 11 (2003): 346–61; Margaret A. Lyons, "Hearing the Cry Without Answering the Call: Rape, Genocide, and the Rwandan Tribunal," *Syracuse Journal of International Law and Commerce* 28 (2001): 99–124; Catherine Niarchos, "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia," *Human Rights Quarterly* 17 (1995): 649–90; Binaifer Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (New York: Human Rights Watch, 1996);

- Sherrie L. Russell-Brown, “Rape as an Act of Genocide,” *Berkeley Journal of International Law* 21 (2003): 350–74; Zainab Salbi, *The Other Side of War: Women’s Stories of Survival and Hope*, ed. L. Becklund (Washington, DC: National Geographic Society, 2006); Todd Salzman, “‘Rape Camps,’ Forced Impregnation, and Ethnic Cleansing: Religious, Cultural, and Ethical Responses to Rape Victims in the Former Yugoslavia,” in *War’s Dirty Secret: Rape, Prostitution, and Other Crimes Against Women*, ed. A.L. Barstow (Cleveland: The Pilgrim Press, 2000); Leslie Shanks and Michael J. Schull, “Rape in War: The Humanitarian Response,” *CMAJ: Canadian Medical Association Journal* 163 (2000): 1152–57; Lisa Sharlach, “Gender and Genocide in Rwanda: Women as Agents and Objects of Genocide,” *Journal of Genocide Research* 1 (1999): 387–99; Inger Skjelsbaek, “Sexual Violence and War: Mapping Out a Complex Relationship,” *European Journal of International Relations* 7 (2000): 211–38; Dorothy Q. Thomas and Regan E. Ralph, “Rape in War: Challenging the Tradition of Impunity,” *SAIS Review* Spring/Winter (1994): 81–98; Jennifer Turpin, “Barbie in the War Zone,” *Social Alternatives* 22 (2003): 5–7; Justin Wagner, “The Systematic Use of Rape as a Tool of War in Darfur: A Blueprint for International War Crimes Prosecutions,” *Georgetown Journal Of International Law* 37 (2005): 193–243; Human Rights Watch, “Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad,” Human Rights Watch, 2005, <http://www.cmi.no/sudan/doc/?id=1069> (accessed 01 July 2010).
9. Allison Ruby Reid-Cunningham, “Rape as a Weapon of Genocide,” *Genocide Studies and Prevention* 3, no. 3 (December 2008): 279–96.
  10. Kelly Dawn Askin, “Holding Leaders Accountable in the International Criminal Court (ICC) for Gender Crimes Committed in Darfur,” *Genocide Studies and Prevention* 1, no. 1 (2006): 13–28.
  11. Anne-Marie de Brouwer, “Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR,” *Intersentia* (2005): 13–14.
  12. Alexandra Stiglmayer, ed., *Mass Rape: The War against Women in Bosnia-Herzegovina*, (Lincoln: University of Nebraska Press, 1994), 197.
  13. Adam Jones, *Gendercide and Genocide* (Nashville, TN: Vanderbilt University Press, 2004).
  14. Rhonda Copeland, “Surfacing Gender: Reconceptualizing Crimes against Women in Time of War,” in *Mass Rape: The War against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayer (Lincoln: University of Nebraska Press, 1994), 197–98.
  15. As of May 2010, *The Men Who Killed Me* is also available in Dutch from Nijmegen, Oisterwijk: Wolf Legal Publishers.
  16. The man—Faustin Kayihura—was thirteen years old in 1994.
  17. Anne-Marie de Brouwer and Sandra Chu, eds., *The Men Who Killed Me: Rwandan Survivors of Sexual Violence* (Vancouver: Douglas & McIntyre, 2009), 150–51.
  18. *Ibid.*, 2.
  19. *Ibid.*, 123.
  20. *Ibid.*, 11–19.
  21. *Ibid.*, 15.
  22. *Ibid.*, 14–15.
  23. *Ibid.*, 101.
  24. *Ibid.*, 145–58.
  25. Halima Bashir, *Tears of the Desert: A Memoir of Survival in Darfur* (New York: One World/Ballantine, 2008).
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  27. Donald Schwartz, “‘Who Will Tell Them After We’re Gone?’: Reflections on Teaching the Holocaust,” *The History Teacher* 23 (1990): 95–110.
  28. For more guidelines, visit United States Holocaust Memorial Museum, “Guidelines for Teaching about the Holocaust,” <http://www.ushmm.org/education/foreducators/> (accessed 01 July 2010).

29. David A. Long, "Sociology and a Pedagogy for Liberation: Cultivating a Dialogue of Discernment in Our Classrooms," *Teaching Sociology* 23 (1995): 321–30.
30. *G-d Sleeps in Rwanda*, prod. Kimberlee Acquaro and Stacy Sherman, 28 min., Women Make Movies, 2004, DVD.
31. *Mothers Courage, Thriving Survivors*, dir. Léo Kalinda, 52 min., National Film Board of Canada, 2005, DVD.
32. *The Greatest Silence: Rape in the Congo*, prod./dir. Lisa F. Jackson, 1hr., 16 min., Jackson Films Inc., 2007, DVD.
33. Another film that is effective in giving voice to women survivors in Rwanda is *The Diary of Immaculée*, dir. Peter LeDonne, 38 min., New Jersey Shore LLC, 2006, DVD. Immaculée Ilibagiza recounts how she and seven other females found sanctuary in a small bathroom in the home of an Episcopalian Hutu minister during the genocide. For ninety-one days the girls and women lived in the bathroom, in fear of Hutu extremists. Excerpts from Immaculee Ilibagiza's *Left to Tell: Discovering G-d Amidst the Rwandan Holocaust* (Hay House, 2007), a first-hand account of how she survived the genocide, have proved to be equally effective.
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35. *Ibid.*, 216.
36. Eve Ensler, "Women Left for Dead—and the Man Who's Saving Them," *Glamour* (2007), <http://www.glamour.com/magazine/2007/08/rape-in-the-congo?currentPage=1> (accessed 01 July 2010).
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# The Armenian Genocide of 1915 from a Neutral Small State's Perspective: Sweden<sup>1</sup>

Vahagn Avedian  
Chief Editor, *Armenica.org*

*This study depicts how the Armenian massacres in the Ottoman Empire during World War I were perceived by a neutral small state, namely, Sweden. The Swedish knowledge should be of special interest since, as a neutral state during the entire conflict, Sweden had no immediate involvement or interest in the ongoing conflict; thus, any reporting about the events would have been untainted compared to that of the Entente or Turkey's allies. The information at hand is also essential to an understanding of the subsequent Swedish reaction. However, surveying the full amount of information needed for comprehensively understanding and analyzing the response to the massacres is beyond the scope of this article and requires a larger study. This article, therefore, addresses the first part, namely charting the information at hand, while the analysis of the response, especially a neutral small state's during an ongoing global conflict, will be left to future studies. The surveyed information in this study shows that information about the Armenian massacres in the Ottoman Empire was abundant.*

*Key words: Armenian Genocide, Sweden, neutral small state*

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“And look what it says here. The first who were called wogs [*svartskallar*] were Armenian beggars. They were thrown out from Sweden since it was forbidden to beg.”<sup>2</sup> The beggars in question were Armenian survivors from the massacres in the Ottoman Empire.

Today, the Republic of Turkey dismisses almost every historic document presented by the Entente powers of World War I as war propaganda, which they see as serving the sole purpose of defaming Turkey. Turkish documents on the subject, on the other hand, are dismissed by genocide scholars as unreliable, since they are the Turkish government's falsification and a cover-up.<sup>3</sup> Having said that, it should be mentioned that research on German and Austrian documents, allies of Turkey during the Great War, confirms the Entente's version, rather than that of Turkey.<sup>4</sup> A neutral nation's observations of the event, however, should be free of any allegations of bias from either side in the conflict. One such nation was the USA, which remained neutral in the conflict until April 1917. The reports and observations made by the US Embassy and American missionaries and relief workers throughout Turkey constitute an important part of the data about the Armenian massacres, since the Americans were the only major power (except Germany and Austria) left inside Turkey after the outbreak of the war. Their presence in Turkey, as well as their neutrality, ended in April 1917 when USA entered the war on the Entente's side. Sweden, on the other hand, remained neutral during the entire conflict and its reports and subsequent actions cannot be ascribed to Swedish involvement in a specific war camp. The full scope of such a study would be to find out how much Sweden knew about the massacres, what alternative actions could have been taken,

what alternatives Sweden chose, and why. However, in order to conduct this study within the given limitations, this article will concentrate on the contents of the reports and the information and the analysis that reached Sweden in regard to the Armenian massacres and the fate of Armenia, leaving the three subsequent questions to future studies.

### **The Swedish Press, Christian Missions, Military Missions, and Embassy Reports**

During World War I, the Swedish press dedicated much space to the war efforts, as did the press in other countries. Among others, a special bureau was created to provide the Swedish countryside papers with articles from the German press. "About fifty papers were among the receivers, mostly conservative publications organs, but also a number of liberal papers."<sup>5</sup> The fact that such a large number of newspapers were under German influence should have affected the reporting of events on Turkey. In order to further influence Swedish opinion, Germany secretly purchased the majority of the shares in the newspapers *Aftonbladet* and *Dagen*. With a total circulation of 92,000, these newspapers equaled the circulation of the Entente-friendly *Dagens Nyheter* and *Social-Demokraten*.<sup>6</sup> This could explain why the news of the massacres in Armenia was a relatively small event in the reports from the front. The resources of the Swedish newspapers were not adequate to employ foreign correspondents of their own. This meant that much of the news concerning foreign affairs was acquired from foreign news agencies, often coloring the perspective of the reports. However, until Hitler's seizure of power in Germany, the leading Swedish publications' foreign policy aimed less at influencing public opinion and more toward debating and providing orientation concerning prevailing international affairs.<sup>7</sup>

While the information published by the newspapers was "second-hand intelligence" acquired from foreign news agencies, there were more reliable information sources documented by individuals present in Turkey. These documents were the reports and dispatches by Swedish missionaries in Turkey and the Caucasus, the Swedish Ambassador to Turkey, and the Swedish Military Attaché in Constantinople. These documents are mainly found in the National Archives, but some are published as memoirs as well.

The material belonging to the Swedish missionaries has been collected from several sources: pamphlets, brochures, and books published during the period of 1915–1923; as well as memoirs published later, which contain eyewitness accounts and stories of the studied period; letters and reports from the missionaries in the field that were sent to the Swedish Church reporting about the status of the missions, as well as depicting the situation in their parish. These documents were found in the Missionary Archive administered partly by the Church of Sweden and partly by the Swedish National Archives.

The reports and the warnings issued by the Swedish missionaries in Turkey and the Caucasus date to the end of the nineteenth century and to the massacres of 1894–1896.<sup>8</sup> Searching through the missionary correspondence for the period 1914–1917 did not, however, reveal any special information. An examination of the letters showed that the volume, especially from Turkey, decreased dramatically, with the engagement in the Great War. Stationed in Mush, Western Armenia, beginning in 1910, Alma Johansson, for example, wrote about two to three letters a month to Sweden. During the entire period of 1914–1917, however, there were only four

letters from her in the archives.<sup>9</sup> The archivist at *Svenska Missionskyrkan* (the Mission Covenant Church of Sweden), Katarina Thurell, explained that the lack of information from missionaries all over Europe during World War I was a common phenomenon. The reasons were many: the war forced many missionaries to leave their field missions, and at the same time resulted in communication difficulties; scarce information was also due to wartime censorship and control of the information flow. Letters from missionaries had to pass through military channels. This censorship resulted in letters arriving several months, or longer, after they had been written. Some may never have reached their destination. While it is true that German and Austrian missionaries remained in the area until the end of the war, the censorship by the German and Austrian governments, in regard to the ongoing war effort in general and the reputation of the Turkish ally in particular, strictly prohibited any publication of the information and observations the missionaries relayed back home.

Two larger publications in the form of booklets were *Blod och tårar: Armeniernas lidanden i Turkiet* (“Blood and Tears: The Sufferings of Armenians in Turkey”) and *Vad en tysk lektor i asiatiska Turkiet upplevde i 1915* (“What a German Senior Lecturer in Asian Turkey Experienced during 1915”). The first is a collection of testimonies, letters, and articles from different medical personnel, missionaries, soldiers, and Armenian survivors about the massacres in the Ottoman Empire, and not all the sources provide first-hand information. The second booklet depicts the experiences of Dr. Martin Niepage, an upper-grade teacher in the German Technical School at Aleppo. His article concentrates mainly on information that should be regarded as more reliable, as it excludes much information attained by hearsay. Both booklets’ contents give an interesting insight into the events, both as first-hand testimonies as well as analysis of how the massacres were perceived. In addition, there are some other non-Swedish witness accounts, translated and published in Sweden, that are included in the present study.

The Swedish missionary reports, letters, and pamphlets were yet another means of affecting public opinion, mainly by initiating and persuading the civilian Swedes to contribute to humanitarian aid and collections for the benefit of the victims and survivors of the Armenian massacres. However, they could also indicate the Swedish Church’s knowledge of events and its choice of action regarding the massacres, as well as the actions of the missionaries in Western Armenia.

Moving further up the “reliability scale” of the reports and their impact on the Swedish state’s knowledge of and basis for decision making are the Swedish military personnel’s reports. The most frequently cited Swedish military testimony, used by deniers of the Armenian genocide, is that of Major Gustav Hjalmar Pravitz. He was actually stationed in Persia, not in the Ottoman Empire. Pravitz was a member of the Swedish military mission invited to improve Persia’s gendarmerie and police operations.<sup>10</sup> In 1918, Pravitz published his memoirs, *Från Persien i stiltje och storm* (“From Persia in Calm and Storm”); however, he published one passage of the book a year earlier in *Nya Dagligt Allehanda* (NDA),<sup>11</sup> where he made an interesting assertion: “I guess generally, one can say that a continuous, even if somewhat milder, persecution is less bearable to endure than a bloody but quick act of despotism, as in assaults of the kind that from time to time put Europe’s attention on the Armenian question.”<sup>12</sup> During his journey through Turkey to reach Persia, Pravitz admitted that he had seen dead bodies and dying people begging for a piece of bread, but, with the exception of one case, he did not see the alleged violence used against the Armenian “emigrants.”<sup>13</sup> He also mentions meeting an Armenian in a

concentration camp (“*koncentrationsläger*”), itself an interesting choice of word in the context of this study.<sup>14</sup> In order to be able to put Pravitz’s observations and interpretation of the Armenian situation in perspective, it is necessary to also reflect upon his personal view about the Armenian people. In his book, Pravitz renders his views regarding Persia, Persians, and the minorities living in the country. A large portion of the first part of chapter ten, entitled “My Second Journey to Persia,” in which he describes the “Armenian question,” has more or less the same content as his article in *Nya Dagligt Allehanda*. Moreover, his description of the Armenian element is not flattering. Jews and Armenians are described as “lying merchants” and Armenians as “highly untrustworthy.”<sup>15</sup> In general, he writes that the “bloody” measures of the Turkish government toward the “disloyal” Armenians were quite justified, even though innocent people had suffered too.<sup>16</sup> The parallels to the argumentation about the Holocaust are too striking to be ignored.

Notwithstanding, the study of the Swedish War Archive reveals another, quite opposite, perspective, expressed by someone much closer to the events, namely, that of Captain Einar af Wirsén (later Major), the official Swedish Military Attaché in Constantinople, 1915–1920.<sup>17</sup> In his memoirs, *Minnen från fred och krig* (“Memories from Peace and War”), published in 1942, referring to Talaat’s somewhat gruesome humor, he mentions the following answer Talaat gave him in regard to the Armenian massacres: “I see in the *Times* that we would have executed, or in other ways killed none less than 800,000 Armenians. I assure you that this is untrue, it was only 600,000.”<sup>18</sup> Djemal Pasha, however, was more moderate and “disliked the massacres of the Armenians.”<sup>19</sup> The book is based upon Wirsén’s experiences and memoirs during his service as military attaché in the Balkans and Turkey. Here he demonstrated in more detail his knowledge of the Armenian genocide. Although published in 1942, the book gives insight into how the events were understood by the official Swedish Military Attaché in Turkey when they happened. In the chapter *Mordet på en nation* (“The Murder of a Nation”), Wirsén gives a brief review of the background to the Armenian question, before describing the atrocities committed by the Turkish government during the war.<sup>20</sup> He found the accusations of Armenian collaboration with the Russians questionable.<sup>21</sup> The subsequent deportations were nothing but a cover for the extermination: “Officially, these had the goal of moving the entire Armenian population to the steppe regions of Northern Mesopotamia and Syria, but in reality they aimed to exterminate [*utrota*] the Armenians, whereby the pure Turkish element in Asia Minor would achieve a dominating position.”<sup>22</sup> Wirsén points out that the orders were given with utter cunning. The communications were generally given verbally and in extreme secrecy in order to give the government a free hand in the implementation of the massacres.<sup>23</sup> Describing the methods used for massacring the Armenians and depriving the survivors of basic needs so they would perish by hunger and disease, Wirsén notes that the “annihilation of the Armenian nation in Asia Minor must revolt all human feelings . . . The way the Armenian problem was solved was hair-raising. I can still see in front of me Talaat’s cynical expression, when he emphasized that the Armenian question was solved.”<sup>24</sup>

The military reports are of great importance, since the Swedish Military Attaché, as a representative of a neutral state, was allowed to visit the fronts and gather information about the ongoing campaigns and actions in the Ottoman Empire. He received military intelligence reports, dispatched not only by the Turks but also by the Germans and Austrians serving in the Ottoman Army. The reports show that Wirsén took the liberty to make recommendations about certain actions toward both

Turkey and Germany, which suggests that his analytic reports were of importance to Swedish foreign policy making.

On 30 April 1915, Sweden's Ambassador to Constantinople, Per Gustaf August Cosswa Anckarsvärd, wrote a five-page dispatch on the subject of the *armeniska frågan* (Armenian question) and the Armenian revolutionary movement. Noting that the "ghost of the so-called Armenian question" had re-appeared in the interior parts of the country, Anckarsvärd gave a rather detailed chronological description of the issue.<sup>25</sup> Anckarsvärd mentions that the Sublime Porte,<sup>26</sup> based upon intelligence information about revolutionary plans, made a mass arrest of about 400 Armenians in Constantinople and numerous others had been taken into custody in other cities as well. "Among the arrested are many Armenian journalists, doctors, and lawyers especially. They had been sent to Angora [Ankara], awaiting trial in a court martial."<sup>27</sup> Anckarsvärd was referring to the arrest of the Armenian intellectuals throughout the Empire, especially in Constantinople.

On 26 May 1915, *Svenska Morgonbladet* (SvM) published the following telegram from Paris: "Since about a month ago, the Kurdish and Turkish populations in Armenia, in accord with each other and with help from the Turkish Government, have committed mass murder on Armenians. These have occurred from mid-April [new style], in Erzurum, Dertsjun [Ter-Djan], Egin, Bitlis, Mush, Sasun, and others."<sup>28</sup> On 6 July 1915 Anckarsvärd dispatched a two-page report entitled "The Armenian Persecutions," a wording used in the title of six other reports during 1915. The dispatch reads as follows:

The persecutions of the Armenians have reached hair-raising proportions and it all points to the fact that the Young Turks want to seize the opportunity, since there is no effective external pressure to be feared for various reasons, to once and for all put an end to the Armenian question. The means for this are quite simple and consist of the extermination [*utrotandet*] of the Armenian nation ... It does not seem to be the Turkish population that acts on its own accord, but the entire movement originates in the government institutions and the Young Turks' Committee, which stands behind the government and now displays the kinds of ideas they harbor ... The German Ambassador has in writing appealed to the Porte, but what can Germany or any other of the Major Powers do as long as the war continues? That the Central Powers would threaten Turkey is for the time being unthinkable, and Turkey is already at war with the majority of the remaining Major Powers.<sup>29</sup>

Here, for the first time, Anckarsvärd pinpoints two important observations: (1) the mass killings were state orchestrated, with the Committee of Union and Progress<sup>30</sup> behind the scene, and (2) their aim was to "exterminate the Armenian nation." The atrocities would justify yet another European intervention, but only once the war was over. The Swedish Ambassador's analysis of the hopelessness of the situation also emphasizes Turkey's knowledge of the window of opportunity, caused partly by the passivity of its allies and the inability of the world (neutral and hostile nations), which provided them with an opportunity to implement their "final solution." Anckarsvärd's report described the basic need of a humanitarian intervention, but neither the friendly state (Germany) nor other major powers capable of implementing such an intervention were in a position to interfere to stop the genocide.

Soon after, on 15 July 1915, Anckarsvärd informed Stockholm of the warning delivered to the Porte by the German Ambassador about the Armenian massacres. "Turkey risked, especially among the neutral nations and foremost in America, evoking an extremely disadvantageous opinion. Furthermore, the unlawfulness and

excesses of the Turkish government agencies opened the door for Europe's intervention and its interference in Turkey's internal affairs as soon as the war ceased."<sup>31</sup> The issue of a humanitarian intervention was made clear, but it also established the fact that such an action would, due to the prevailing circumstances, almost certainly come too late to save the Armenians.

Anckarsvärd's 15 July 1915 report stated that the "Armenian Patriarch has asked the Justice and Culture Minister, whether his intention is to annihilate the entire Armenian nation, in which case he was ready to start a movement to organize a mass emigration to, among other places, countries in South America. In this way, the Turks would get rid of the Armenians and the Armenians would suffer somewhat less than now."<sup>32</sup> This suggestion was quite similar to the Nazi's Madagascar plan.<sup>33</sup>

On 22 July 1915, Anckarsvärd informed his foreign ministry that it was not only the Armenians who were subject to persecutions, but also the Greeks who faced the same fate. The Greek *chargé d'affaires* in Constantinople, Mr. Tsamados, explained that: "it [the deportations] cannot be any other issue other than an annihilation war against the Greek nation in Turkey, and the measures therefore being taken are that the Turks have been implementing forced conversions to Islam; the obvious aim being that, if at the end of the war there would again be a question of European intervention for the protection of the Christians, there would be as few of them left as possible."<sup>34</sup>

On 18 August 1915, the Swedish Ambassador notified Stockholm about a new German protest against the ongoing massacres. The German Ambassador's note contained a "much more serious tone," pointing out that Germany could not passively witness "how Turkey, through the Armenian persecutions, was going downhill, morally and economically. Furthermore, they [the Germans] protested against the Porte's course of actions, based on which her [i.e., Turkey's] ally Germany becomes suspected of approving these actions and, finally, Germany renounces any responsibility for the consequences."<sup>35</sup> On 2 September 1915, Anckarsvärd dispatched a new report stating that it "is obvious that the Turks are taking the opportunity to, now during the war, annihilate [*utplåna*] the Armenian nation so that when peace comes, the Armenian question no longer exists . . . It is noteworthy that the persecutions of Armenians have been done at the instigation of the Turkish government and are primarily not a spontaneous eruption of Turkish fanaticism, even though this fanaticism is used and plays a role. The tendency to ensure that Turkey is inhabited only by Turks could, in due time, appear in a horrifying manner toward the Greeks and other Christians also."<sup>36</sup> Anckarsvärd made it quite clear that the massacres were neither an act of vengeance, nor a matter of civil or domestic war, but a systematic killing planned and implemented by the state, that is, a genocide. Thus, Turkey was behaving as a failed state, in which the structure and the norms for safeguarding the human rights of its citizens were suspended or ignored.<sup>37</sup>

The dispatch of 4 September 1915 presented the estimation of the Armenian losses given by the Armenian Patriarch. Anckarsvärd confirmed the Patriarch's estimation that approximately half the Armenian population had been erased, but doubted that the Armenian population was as numerous as 2 million, which the Patriarch asserted. Anckarsvärd also noted the negative economic impact these persecutions had in Turkey, since almost 80% of the trade was in Armenian hands.<sup>38</sup>

On 4 October 1915, SvM claimed that the US ambassador in Constantinople, Henry Morgenthau, had been ordered by his government to deliver a warning to the Turkish foreign minister, stating that "if the Armenian massacres do not cease, the friendly relations with the US will be jeopardized."<sup>39</sup> However, a similar directive

was never issued by Stockholm. Instead of exhorted protests, the Swedish press now started to question the credibility of the news, citing the Turkish government's explanation that the measures were necessary because of the Armenian's liaisons with the Russians, British, and the French.<sup>40</sup> Nevertheless, 1915 was replete with notes and reports about the state-implemented annihilation and extermination of the Armenian nation. The ambassador alone dispatched over ten reports about the persecution of the Armenians and their fate.

On 15 January 1916, Anckarsvärd dispatched a report written by the Swedish Military Attaché Wirsén, in which the situation of the military operations in Turkey was described. Commenting on the shortage of food, the report pointed out that this was partly as a result of bad harvests in Anatolia. The bad harvests were due to lack of labor since "so many men had been enlisted and in large areas, the most able-bodied population, i.e. the Armenians, have been subjected to the saddest fate ..."<sup>41</sup> On 13 March 1916, Wirsén noted the tension surrounding the German officers, which was affecting their relations with the Turks. He assumed that something was about to happen at the Caucasian front, but the outcome was uncertain. He concluded the paragraph with the following sentence: "One can observe that the persecution of the Armenians has now begun in Thrace and even in Constantinople itself, when the Armenians living in the eastern parts of the city have begun being transported away to Asia."<sup>42</sup> Commenting on the general situation in May, Wirsén points out the main source for the epidemics spreading in the eastern front: "The health situation in Iraq is horrifying. Typhus fever claims numerous victims. The Armenian persecutions have to a large degree contributed to the spreading of the disease, since the expelled [Armenians] in hundreds of thousands have died from hunger and deprivation along the roads."<sup>43</sup>

In his dispatch, dated 20 May 1916, Ambassador Anckarsvärd reported on the ongoing negotiations between Turkey and Germany, commenting on the situation in Turkey and the rumors of a possible surrender. Talking about the possible assaults on foreigners in Turkey and the subsequent foreign intervention, Anckarsvärd asserts that a foreign intervention would only weaken the Turkish Empire, but his analysis leaves no other option:

It is only due to the war that an ultra terrorist regime such as the present can be upheld. The true nature of this regime has come to the surface in such a significant manner through the Armenian persecutions. That the same violent methods are still implemented is evident through the recent intelligence reports regarding measures for subjugating agitation among Arabs ... In Aleppo there are rumors regarding an imminent deportation of the Arabs in hundreds of thousands. Such is the Young Turk administration, so incompetent is it in solving the difficult problems posed by the heterogeneous elements that the population is composed of. The military successes, thanks to German aid, should not create the illusion that Turkey will be re-born thanks to the war. The stub is so corroded that a real regeneration is inconceivable.<sup>44</sup>

Thus, Anckarsvärd predicted that, even though an intervention might not be the perfect answer, it might be the only alternative since no change would come from within to improve the situation of the minorities. However, the war gave the perfect opportunity to act as a failed state without fearing external interference.

On 7 June 1916, *Dagens Nyheter* reported that in Trabizond, for every 10,000 Armenian inhabitants, only 92 were still alive. "The extermination of the Armenians has been done systematically."<sup>45</sup> The Swedish passivity in response to the reported

atrocities was criticized by editor G.H. von Kock, who not only criticized the government but also the church: "It is with sorrow one notes that, since the initial notification of the issue, nothing or at least very little has been done to assist the Christian Armenians and Syrians who in Asia Minor have been murdered in the hundreds of thousands by Turks and Kurds ... Sometimes it feels that we, here in Sweden, have been paralyzed in the face of all misery that now prevails and increases constantly in the world."<sup>46</sup>

Almost a month later, Anckarsvärd dispatched a report notifying Stockholm of the possibility of a Greek declaration of war against Turkey, which could result in the repetition of the Armenian fate, this time engulfing the Greeks in Turkey. The report is significant due to the expected request for protection of Greek interests in Turkey: "[T]he Dutch Ambassador here has notified his government, that in case of a possible request from Greece regarding entrusting the protection of its interests in Turkey to the Dutch legation, it must be denied. The Foreign Ministry in [The] Hague has replied that it completely approves the Ambassador's view. On my own behalf, I would like respectfully make the same proposal to Your Excellency as it concerns this embassy, in case the government in Athens would turn to H[is] M[ajesty]'s government."<sup>47</sup> This is the only instance where Anckarsvärd recommended a certain policy to Stockholm regarding the events in Turkey. It also illustrates how the fear of endangering one's own country's interests could directly prevent that country from intervening in case of a humanitarian urgency. This policy would become much more obvious once the new Swedish ambassador arrived in 1920.

In his dispatch on 5 January 1917, Anckarsvärd made an important observation of the German influence in Turkey in regard to the impending risk of Turkish surrender: "The situation would have been different if Turkey had followed the advice of the Central Powers in letting them organise the question of provisioning etc. ... Even worse than this is, however, the extermination [*utrotandet*] of Armenians, which, perhaps, could have been prevented if German advisers had in time received authority over the civilian administration as the German officers actually practise over army and navy ... The above-mentioned statements, as mentioned, come from a diplomatic official allied with Turkey. Your Excellency can then consider what the neutral diplomats think of the situation here."<sup>48</sup>

On 14 January 1917, Anckarsvärd sent a dispatch regarding the decision to deport the Ottoman Greeks. He noted that the US ambassador had been trying to stop the deportation by stressing to the Porte the kind of impression "a repetition of the Armenian persecutions, but this time against the Greeks, would give in the entire civilised world." He ended the report by asserting the following: "What above all appears as an unnecessary cruelty is that the deportation is not limited to the men alone, but is extended likewise to women and children. This is supposedly done in order to much more easily confiscate the property of the deported."<sup>49</sup>

The Armenian question was revived in 1917 in Sweden. Then, even writers and politicians joined the debate. The Turkish embassy in Stockholm got engaged in the debate, refuting the allegations presented in the Swedish press. On March 24, *Dagens Nyheter* published the parliamentary interpellation, written by Stockholm's Mayor Carl Lindhagen to Foreign Minister Johannes Hellner, stating, "Earlier cruelties in Armenia fade in the face of the actual extermination [*utrotandet*] of the Armenians, which recently has been going on." He continued, asking whether "the government, alone or in cooperation with other neutral governments, who could

have any influence in the matter, wish to help the right of the Armenian population to protect their lives, their property and their nationality?"<sup>50</sup>

As an answer to Mayor Lindhagen's interpellation to the Swedish foreign minister, Chairman of the Conservative Parliamentary Group Arvid Lindman rejected any claim for intervention, referring to the fact that Sweden will not interfere in other state's internal affairs.<sup>51</sup> The leader of the opposition, Chairman of the Social Democratic Party Hjalmar Branting, mentioned that Sweden should protest against the Armenian massacres in the same way Sweden protested against the "catastrophe in Belgium."<sup>52</sup> However, no protest was ever issued. On March 26, a protest meeting was arranged in support of the Armenians. In a packed auditorium in Stockholm, the meeting was presided over by Mayor Lindhagen, and Hjalmar Branting gave the introductory speech. The keynote speech was delivered by the author Marika Stjernstedt. The French, Russian, Belgian, and Italian ambassadors also attended the meeting and funds were raised.<sup>53</sup> Talking about the Armenian massacres during the last decades of nineteenth century, Branting rebuked the conservative newspapers for having practically silenced the information on the massacres, stating that the world had "witnessed that in Armenia, a fully organized genocide [*folkmord*] has been carried out and the events down there are unparalleled with all that which has happened during the war."<sup>54</sup> Branting might very well have been the first public figure who, decades before Raphael Lemkin, used the term *folkmord*, that is genocide, in regard to the annihilation of a nation. Branting also informed the audience that he, back in 1916, had contacted the then foreign minister Knut Wallenberg to make him intervene and put a stop to the massacres. The courting had been fruitless.<sup>55</sup> It should be borne in mind that at this point in time, Branting was the opposition leader, chastising the government for its Germanophile attitudes and indifference in the face of an obvious humanitarian disaster. He would have the chance to address the issue when he became prime minister, which I will touch upon later. The meeting infuriated the Turkish mission in Stockholm, which published an article in SvM explaining that the Turkish government, at the beginning of the war, had cautioned all that there would be "severe punishment for attempts of rebellion. Armenians continued with their old policy, and a bloodbath and attacks on Turks began—in other words, all symptoms for a total insurrection."<sup>56</sup> Nine days later, Stjernstedt published a passionate article about the Armenian massacres, citing new testimonies verifying the accusations against the Turks.<sup>57</sup>

In a 20 August 1917 report about the impact of the war on Turkey, the territorial losses, as well as the impact on the society, the Swedish Envoy Ahlgren identifies the following causes for increased living costs: "obstacles for domestic trade, the almost total paralyzing of the foreign trade, and finally the strong decreasing of labor power, caused partly by the mobilization but also by the extermination of the Armenian race [*utrotandet af den armeniska rasen*]."<sup>58</sup> Thus, Ahlgren concurred with Anckarsvärd's view when describing the true goal of the massacres and the nature of the Armenian fate. The analysis of the situation was elaborated in more detail soon after in the report about the new masters of Turkey, the "Young Turks." In a dispatch on 10 September 1917, Ahlgren gives a detailed description of the Union and Progress Party. The Turkish policy prior to the war was that of "Ottomanism," aiming to homogenize the disintegrating heterogenic empire that until then was kept together by autocracy. However, the new leaders realized that Ottomanism threatened the Turkish element, since other subdued people "demanded equal rights for themselves as the Turks: security for life and property, access to the civil and the military

offices, yes, even to government.”<sup>59</sup> In order to prevent this, Talaat and Enver, through the *coup d'état* in 1913, eliminated the liberal government, and started implementing changes in the constitution for improving the rights of the Turkish element. Referring to the new Turkish leader's policy of homogenizing Turkey, Ahlgren asserts that this was being planned by “assimilating other nationalities and, when it failed, soon enough through political persecutions and extermination. It is in the light of these facts that one should regard the measures taken against the Armenians and maybe future similar [actions] against the Greeks.”<sup>60</sup> All opposition had been brutally removed, all major positions within the administration were appointed to loyal people, and a new police force was created to act as a secure tool in the government's hand. The same applied to the army.<sup>61</sup> The government was in full control over the country.

In 1918, after a conversation with Turkish Foreign Minister Nessimy Bey, Anckarsvärd sent a letter to Stockholm, dated 22 April, reporting on the information he had received from the minister. Nessimy Bey had refuted the recent news about renewed Armenian massacres, calling them British propaganda and had pointed out that their previous sufferings were due to the Armenians' own rebellious posture and the subsequent evacuation. “But,” Anckarsvärd added, “to just recently [and] unnecessary subject the Armenians to new sufferings could not be comprehended by any reasonable person in Turkey, since this would further nourish the already prevailing indignation toward Turkey.”<sup>62</sup> In other words, Anckarsvärd hinted at existing foreign resentment towards Turkey and its treatment of the Armenian subjects, even though a strong condemnation of the actions was conspicuous by its absence. On 25 August, Ahlgren reported on the ongoing peace negotiations in Caucasus between Turkey and the newly created Caucasian republics of Georgia, Azerbaijan, and Armenia. Mentioning the Turkish push eastward, into Caucasus towards Baku and beyond, he notes that the territorial demands of the Georgian and Azerbaijani republics were mostly met by Turkey, while the original Armenian claims to a territory of 45,000 square kilometers were limited to only 11,000 square kilometers, largely encompassing the Erivan province. “Thus, Armenia was heavily circumscribed, but this is less surprising than that the Turks have, at all, decided to recognize an independent Armenian state, which conspicuously contradicts their implemented policy since 1915, which strove to solve the Armenian question by the extermination of the Armenian race [*den armeniska rasens utrotande*].”<sup>63</sup> However, Ahlgren noted that the Turkish recognition was not voluntary, but due to German persuasion. Nevertheless, the Turkish offensive towards Baku was halted by the signing of the armistice at Mudros, by which Turkey surrendered on 30 October 1918.<sup>64</sup> The Turkish reconciliation measures would continue in 1919.

It is noteworthy to mention a dispatch that Anckarsvärd sent to Stockholm on 8 October 1918. The dispatch contained a debriefing on Anckarsvärd's audience at Crown Prince Abdul Medjid's court. The prince had dismissed the Talaat cabinet due to its misrule of the country and especially lost confidence, internally as well as externally, due to “two unforgivable errors, which in the eyes of Turkey and abroad, made them unsuitable for running the country, namely partly the Armenian persecutions, and partly the exaggerated cruelties committed in Syria against the conspiracy-entangled Arab sheiks.”<sup>65</sup> There are two important notes in this dispatch: (1) the Turkish rule indicated a failed state, misgoverning the country in general and not only in regard to the minorities; (2) the Turkish reaction, here by the Crown Prince, admitted to the knowledge of the atrocities long before the Entente powers exerted pressure on defeated Turkey and subsequent trials.

On 10 January 1919, Anckarsvärd reported on the future prospects of Turkey. A major issue mentioned in the report was the future of Cilicia (and also Diarbekir), whether the important and rich province would be included in the planned independent Armenia, or left to Turkey. This report was one of the first of many from Constantinople to Stockholm, indicating the impact of the creation of Armenia and the affected Turkish finances. The main issue was how to salvage Turkey from an impending financial catastrophe, and more importantly, how to save foreign capital invested in Turkey. Anckarsvärd notes that a French adviser, commenting on the financial situation in Turkey, advises that "Turkey must be saved from bankruptcy and at the same time save the considerable French and English capital here in Turkey. 'The Entente' should, in its own interest, not ruin Turkey, which they hope, in the future, to fully be able to control and exploit freely."<sup>66</sup> Anckarsvärd concludes: "The cliché states that one does not ruin one's debtor, and the question is, whether one should best draw conclusions from this thesis." Future reports, mentioned later, will further illuminate the implementation of this thesis by the foreign powers in regard to Armenia and Turkey.

Until this point, the embassy dispatches clearly stated that there were large-scale massacres with the aim of annihilating the Armenian nation. There had been some Armenian revolutionary activities, partly due to the Turkish atrocities committed in the past, but the scale of these and other actions were hardly reason to exterminate the entire Armenian nation. Furthermore, the dispatches pointed out, on more than one occasion, that the Armenian massacres were not a result of spontaneous public actions, but government orchestrated implementation of erasing a nation. Thus, it is safe to say that the Swedish government's policies, irrespective of the additional information provided by domestic newspapers and missionaries, were, based solely on dispatches from its foreign and military missions, well informed of the ongoing eradication of the Armenian nation.

However in 1920, with the arrival of a new Swedish envoy to Constantinople, the tone of the reports and analysis changed dramatically, at least in regard to Armenians and the Armenian question. The new envoy was Gustaf Oskar Wallenberg, former Swedish envoy to Japan, and half-brother to K.A. Wallenberg, the former Swedish foreign minister. He represented a completely new breed of diplomats in the Swedish Foreign Office. He differed from the traditional Swedish diplomats in several ways: He was no career diplomat, but rather a businessman, a fact that can definitely be ascribed to his family background. He belonged to the wealthy Wallenberg clan, by far Sweden's family of financial leaders. However, despite his plutocratic background, he was not from an aristocratic family, which was the case for Swedish diplomats normally.<sup>67</sup> Furthermore, he was an energetic advocate for Swedish trade interests, both in existing markets, and especially in new emerging ones.<sup>68</sup> The latter aspect is quite evident in the studied material as well. While Wallenberg's predecessor, Anckarsvärd, primarily reported on the military and diplomatic issues, Wallenberg's reports are replete with comments on trade possibilities, strategies for expansion of Swedish export to the region, etc.

On 26 January 1920, the Swedish Foreign Ministry sent a letter marked "Strictly Confidential" [*Strängt Förtryckt*] to its ambassadors in Oslo, Helsinki, Berlin, Vienna, The Hague, Bern, Rome, and London, as well as to Lieutenant Colonel Francke at the General Staff's headquarters. The attachment to the letter is an anonymous report from "a Swede, who has been staying in Constantinople for a long time."<sup>69</sup> The report in question completely refutes the massacres: "The

talk about massacres of the 'Christians' and so on is undoubtedly absolutely untrustworthy; it is characteristic that there are no offered verifiable details, 'the national forces' are presented only in general as massacrers, but does anyone ask for proof?"<sup>70</sup> The dispatch statement asserts that the news is due to the "irresponsible agitation against Turkey, which, since the truce, has been allowed to be carried out by more or less loathsome Levantine elements ..."<sup>71</sup> There is no clarification in regard to these "Levantine elements," even though one could assume the nationalities—Armenian and Greek—that the author has in mind.

On 12 April 1920, the Swedish Embassy sent a dispatch entitled "regarding the future position of Armenia," asking Stockholm about the League Council's decision to find a "civilized state that wished to accept the responsibility of mandate [power] over Armenia under the supervision of the League of Nations."<sup>72</sup> During a conversation, M.J. Gout, Chief of French Affairs in the League of Nations, had told the Swedish envoy that "it would be extremely desirable if one or several states, who might be inclined to accept this significantly important and humanitarian task ..."<sup>73</sup> The embassy concluded the message by offering further information if Stockholm was to be inclined to accept the offer.<sup>73</sup> On 24 April, a telegram was received in Stockholm, referring to newspapers claiming that either Holland, Sweden, or Norway intended to take the mandate role. In any case, the USA would assume the responsibility for the economic aid. According to additional information, the final decision was postponed, awaiting the statement of the International Commission.<sup>74</sup>

On 26 April 1920, however, G.O. Wallenberg dispatched a three-page recommendation to Foreign Minister Erik Palmstierna, in which he pointed out the importance of dropping any support for the Armenian cause for the sake of Swedish interests in Turkey and the region. He went quite far in justifying his point of view by, among other things, asserting that the "Armenian national character is highly unreliable, something which, by the way, is nothing to be surprised about a people, whose policy for centuries has been restricted to the fields of intrigue ... The representatives of the mandate power there will risk being used for aims that they will not like; and if there be any scandals, the Armenians will always let them bear the responsibility."<sup>75</sup>

The content of the report can only be seen as a clear attempt to downplay the need for Swedish involvement based on moral and humanitarian issues. Wallenberg approached the problem from a purely realistic perspective, safekeeping Swedish economic and political interests. Armenia, unlike its neighbors, had nothing to offer Sweden. Wallenberg made this utterly clear and would continue this rhetoric in order to diminish the Armenian position in the equation. It is especially worth noting that his analysis and observations strongly contradict both his predecessor's views and those of Wirsén. Wallenberg was a businessman, interested in profits, not in humanitarian responsibilities. During the subsequent years, Wallenberg continued his negative attitude toward the Armenians and the Armenian question. He dismissed the claims that there were any Armenians in Turkey whatsoever, but there were "Turks of Christian faith." To verify that there was no Armenian community in Turkey, Wallenberg cites an Armenian lawyer who said: "We are Turks and wish to remain that way."<sup>76</sup> Later Wallenberg asserts that the Armenians do not have a future anyway. In Turkey, practically all "so-called Armenians speak Turkish," and "in the Soviet Union, they will surely be *Russified*."<sup>77</sup> Furthermore, he claimed that the effort to create an independent Armenia was entirely a desire of diasporic Armenians, who were "rootless nationalists," and had no anchorage whatsoever among Armenians in Armenia. In this regard he compared the Armenian

exile organizations with the Zionist movement, comparing the Turkish Armenians to the Palestinian Jews, criticizing their co-nationalists in the diaspora.<sup>78</sup>

On 22 October 1920, news was received about Armenia's request for Entente assistance due to an ultimatum from Soviet Russia. Citing *Indépendance Belge*, *Dagens Nyheter* reported that "the League of Nations, in regard to Armenia, has proposed that the Supreme Council should appoint a mandate power for Armenia."<sup>79</sup> The issue of a Swedish mandate over Armenia was brought up during the autumn session of the League of Nations. On 20 November 1921, the League had its first General Assembly, with Hjalmar Branting as the leader of the Swedish delegation. The meeting had received numerous telegrams from Armenian organizations in France, Turkey, Romania, USA, and Egypt, among other places, appealing to the members of the League to save Armenia.<sup>80</sup> In terms of the Grotian definition, these appeals were the calls from the suppressed subjects asking for foreign intervention as a refined form of "just war."<sup>81</sup> Referring to the telegrams and the appeal of the Armenians, the Yugoslavian delegate asked the major powers to intervene. The humanitarian intervention was not only a rescue mission, but also a peacekeeping one. Thereafter, Branting took the podium, seconding the previous speakers, demanding that the major powers intervene in the matter.<sup>82</sup> Thus, one could conclude that, in Branting's view, the intervention was not only a moral duty for protecting the human rights and the security of the Armenian subjects in Turkey, but also that the whole situation posed a threat to international security and the newly established League of Nations. Both France and England declined the mandate, referring to the fact that they already had accepted mandate missions. Upon receiving the news, Swedish Prime Minister Louis De Geer the Younger immediately telegraphed back to the League, declining the mandate over Armenia, due to "the distance between the countries, and the complex and grave nature of the Armenian problem."<sup>83</sup> Norway's telegram was, literally, a carbon copy of the Swedish reply, while the Danish answer was also the same in its content.<sup>84</sup>

On November 23, *Nya Dagligt Allehanda* published an article posing the following question: "Shall the Armenian question lead to the creation of an international police force?"<sup>85</sup> This also might be the very first occasion when the need of an international peacekeeping force had arisen. That the League was unwilling or unable to make any commitment in regard to the Armenian question in the hour of need was exposed by the *Social-Demokraten* correspondent in Geneva, who wrote, "The civilized nations looked at each other, a bit ashamed indeed and each and everyone whispered their answer to the Council: 'Surely Armenia must be aided. It is a responsibility toward all humanity to aid Armenia. It must not happen that Armenia is not aided. But why should I do it? Why should I? Why should I?' was sounded from every direction. 'Why exactly should I expose myself for the risk and the inconvenience of putting my nose in this robber's den?' And so all the civilized nations there stood on the shore, around the drowning people, each and everyone with its lifeline in hand. But no one wanted or dared to throw it, fearing they would themselves be drawn into the water."<sup>86</sup> The world community obviously saw the problem and expressed its sympathy, but that was all. Armenia was simply not worth the risk. Whoever engaged in accepting mandate power over Armenia would risk both being burdened with expenses and getting involved in conflict with the economically and politically more adept neighbors such as Turkey, Azerbaijan, and Russia. The responses from almost all countries declining participation, who acknowledged the need for humanitarian intervention, illustrates that while there

is sufficient will to intervene, there is insufficient will to devote resources to the cause.

On 19 October 1921, Wallenberg wrote yet another letter in regard to the possible request by the League of Nations for Sweden to act as guarantor for a temporary Armenian government in Cilicia. The prospects for such a request looked quite slim, but nonetheless, Wallenberg's recommendation, based on the same reasons he had provided about the suggestion concerning the mandate power, was to decline such a request.<sup>87</sup> Commenting on the issue of non-interference in a sovereign state's internal affairs, he notes that "to seek to make an international issue of this would, at its core, be the same as choosing to raise the principle that states would no longer legally have the right to take measures against plots regarding their security."<sup>88</sup> On 15 November 1921, the economic worth of a close relation with Constantinople was made more clear when Wallenberg dispatched a four-page report analyzing the development in the Black Sea region, in which he repeatedly emphasized the renewed importance of Constantinople, pointing out (mentioned twice and underlined on pages 1 and 4) that "the road to the new Russian market does not pass over the Baltic Sea any more, but over Constantinople and the Black Sea ports."<sup>89</sup> Swedish trade and economic interests in Turkey were far more important than any humanitarian-related problem.

## **Conclusion**

Taking the data at hand into consideration, it is clear that the information regarding the massacres in the Ottoman Empire and their genocidal nature was abundant in Swedish newspapers as well as in the reports submitted to the Church of Sweden, the Swedish Defense Ministry, and the Swedish foreign ministry and government. It is safe to assert that the Swedish government had a clear view of what transpired in Western Armenia during the Great War. Even if one were to disregard the information presented by the missionaries and the press, the Swedish Government, especially through its embassy in Constantinople, as well as through its military attaché in Turkey, was well informed about the ongoing annihilation. In his dispatches to Stockholm, Ambassador Anckarsvärd stressed the fact that what took place in the Ottoman Empire was neither an act of mutual killing, nor measures taken against Armenian insurrection, but a well-planned systematic annihilation of the Armenian nation, initiated and implemented by the Turkish government. Indeed, the reports tell of Armenian collaboration with the Russian Army and armed resistance in some places, and they also make clear that 1) the acts of vengeance occurred long after the bulk of the 1915–1916 massacres and deportations, thus the government's actions can not be justified as measures against insurgency and treason; 2) the cooperation with the enemy was to a very limited extent and could not justify the implemented annihilation of the entire Armenian nation. This view was further verified by the information and testimonies published by the Swedish, as well as Danish, Norwegian, German, and American missionaries and relief workers who had returned home during the last years of the war. The reports also indicate that the Turkish government relied on the fact that, as long as the war was going on, the world would be unable to intervene. By the time the war ended, the genocide had taken its toll, emptying Western Armenia of its Armenians. This, in part, legitimated claims that it was impossible to create an Armenia based on national self-determination, simply because there were no Armenians left to make this decision. The date of the first classified diplomatic intelligence indicates that

Stockholm received an early warning and was notified of the ongoing humanitarian catastrophe during the first steps of the large-scale massacres and deportations. Later reports further indicated that Turkey's actions illustrated a state violating the rights and safekeeping of its citizens. That is to say, Turkey was a *failed state*, which in turn could justify a humanitarian intervention.

A limited number of politicians, such as Hjalmar Branting, appealed to the Swedish public to influence Swedish decision making, but there are no indications in the data studied that suggest any effect in this matter. It seems that only the missionaries took action and, where and when possible, did everything in their power to give shelter to the victims, actively worked to provide assistance and food for the deportees, and saved as many as possible from executions, etc. Ambassador Anckarsvärd, despite his clear knowledge of the situation, refrained from making any official recommendations to his government in regard to this issue, or to ask Stockholm about any possible directives. Having said that, one must be reminded that Anckarsvärd remarked on the moral aspects of the annihilation policy and that the Turkish government made itself guilty of committing crimes against humanity, but his diplomatic position and obedience to the neutrality policy did not allow him to act. Unlike Anckarsvärd, Wallenberg played an active role in Stockholm's decision making, or at least influencing the basis for it, by openly advocating a specific policy in regard to the Armenian question. Wirsén, too, had a comprehensive knowledge about the annihilation, but as a military envoy might not have had the authority to make political comments. Only later, when commenting on his experience from the mission, does Wirsén describe the massacres and the deportation of the Armenian nation and try to interpret their true nature and the aims of the Turkish leaders. As far as the Swedish government is concerned, there will need to be an extended study of the events in order to comment on the Swedish official action, or the lack thereof. There are no data indicating that Sweden would have put forward any protests or pressure for a humanitarian intervention. Nonetheless, the absence of relevant information does not allow a full interpretation of the official stand. Yet, later, when the question of a mandate power was brought up, Sweden acted like other nations, unwilling to be involved in the country so far away. Thus, the wording of the Swedish correspondent asking "Why should I?" depicts quite well the sentiment that prevailed in Sweden in regard to far-away Armenia.

Expanding the horizons of this study, and trying to find out how the Swedish officials debated the news received about the Armenian massacres, would enable one to investigate a new perspective on the data presented in this study. How does a small state respond when confronted with the news about an ongoing humanitarian crisis and the option of intervening? What alternatives did Stockholm have, how did the decision makers debate, and what did they decide? Do massive humanitarian crises, such as genocide, challenge the fundamental doctrine of small-state policies or that of an international organization, such as the UN? How can an effective humanitarian intervention be implemented in a time of a major regional or global conflict when the perpetrating side is already at war with the potential interveners? Is an intervention by foreign states always impossible when genocide is committed during the course of a global war? Are there any alternative solutions for a military intervention? In order to address these questions, additional factors must be added to the equation, such as the dynamics of Sweden's foreign policy of abandoning its strict neutrality by engaging in the League of Nations, but also the perceived imminent threat from the new Bolshevik Russia.

## Notes

1. This article is a short summary of a master's thesis and, due to space limitations, does not include the full scope of articles, documents, and reports in regard to the ongoing genocide in the Ottoman Empire. See Vahagn Avedian, "The Armenian Genocide 1915: From a Neutral Small State's Perspective," (MA thesis, Uppsala University, 2008; <http://www.armenica.org/material>).
2. Mariam Bakhtiari, *Kalla det vad fan du vill* (Stockholm: Ordfront, 2005), 9. In the Swedish text, "wogs" translates to "*svartskalle*," verbatim "black head," referring to the dark color of the foreigners, which contrasts to the light brown hair color of the native Swedes. Also see Tomas Hammar, *Sverige åt svenskarna: Invandringspolitik, utlänningskontroll och asylrätt, 1900–1932* (Stockholm: Stockholm University, 1964), 69–71. Unless otherwise noted, all translations from non-English sources are my own.
3. One argument used by present-day Turkey to avoid recognition of the 1915 genocide refers to the alleged difference between "Ottoman" and "Turkey," asserting that Turkey did not exist before 1923, nor is the present state responsible for any actions committed by the Ottoman government. However, when studying the period in question, it becomes evident that this transformation from Ottoman to Turkey was already ongoing. Several foreign states, in their diplomatic letters, reports, and documents, use "Turkey" or "Ottoman Turkey" for designating the state. Thus, this article will use Turkey when referring to the Ottoman Empire. For further discussion, see Vahagn N. Dadrian, *The Key Elements in the Turkish Denial of the Armenian Genocide: A Case Study of Distortion and Falsification* (Toronto: Zoryan Institute, 1999), 5–6.
4. For further information see Vahagn N. Dadrian, "The Armenian Question and the Wartime Fate of the Armenians as Documented by the Officials of the Ottoman Empire's World War I Allies: Germany and Austro-Hungary," *International Journal of Middle East Studies* 34, no.1 (February 2002): 59–85; Vahagn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence, RI: Berghahn, 2004). Also see W.J. van der Dussen, "The Question of Armenian Reforms in 1913–1914," *The Armenian Genocide, Documentation*, vol. 8 (München: Institut für Armenische Fragen, 1991).
5. Gunilla Lundström, Per Rydén, and Elisabeth Sandlund, *Den svenska pressens historia, Det moderna Sveriges spegel (1897–1945)*, vol. 3 (Stockholm: Ekerlid, 2001), 124.
6. Tommy Hansson, *Neutralitetsmyten: En granskning av svensk utrikespolitik* (Stockholm: Contra, 1991), 20.
7. Erik Lönneroth, *Den svenska utrikespolitikens historia* (Stockholm: Norstedt, 1959), 27.
8. Maria Anholm, *De dödsdömda folkens saga* (Stockholm: Nordiska öresbibliotek, 1906); E. John Larson, *Förföljelserna och blodbadet i Armenien : Särskild från år 1894 till år 1897* (Helsingborg: Missionsbokhandeln, 1897); Per Pehrsson, *Armenierna och deras nöd* (Stockholm, 1896).
9. Riksarkivet [National Archives] (RA), Swedish missionary letters regarding Armenia. For Alma Johansson's description of the Armenian Genocide, see Alma Johansson, *Ett folk i landsflykt: Ett år ur armeniernas historia* (Stockholm: Kvinnliga Missions Arbetare, 1930).
10. Gustaf Hjalmar Pravitz, *Från Persien i stiltje och storm* (Stockholm: Dahlberg, 1918).
11. *Nya Dagligt Allehanda's* German affiliation would bloom into full sympathy for National Socialism during the 1930s.
12. Pravitz, *Från Persien i stiltje och storm*, 222.
13. *Nya Dagligt Allehanda* (Stockholm), 23 April 1917.
14. Pravitz, *Från Persien i stiltje och storm*, 221.
15. *Ibid.*, 22, 226–27.
16. *Ibid.*, 219, 221–23.
17. By a coincidence, Wirsén is the same Swedish military officer who was appointed as chairman for the commission that the League of Nations put in charge of arbitration in the Mosul Crisis. It was Wirsén's detailed knowledge of the region, his experiences from

- the war, and his familiarity with the existing situation that made him an important asset in the commission appointed to resolve the crisis.
18. Carl Einar af Wirsén, *Minnen från fred och krig* (Stockholm: Bonnier, 1942), 132.
  19. *Ibid.*, 133.
  20. *Ibid.*, 220–26. Also see 120, 288, and 294.
  21. *Ibid.*, 223.
  22. *Ibid.*, 223.
  23. *Ibid.*, 226. This view is confirmed by Dadrian as well. See Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*, 289, 384–85.
  24. Wirsén, *Minnen från fred och krig*, 226.
  25. Riksarkivet, *Utrikesdepartementet* (Foreign Dept.), 1902 års dossiersystem, vol. 1148, No. 99 (30 April 1915), 3.
  26. The Sublime Porte refers to the gate of the Ottoman Imperial Government, more specifically the Foreign Ministry.
  27. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 99 (30 April 1915), 5.
  28. *Svenska Morgonbladet* (Stockholm), 26 May 1915.
  29. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 137 (6 July 1915).
  30. The Committee of Union and Progress (“İttihad ve Terakki Cemiyeti” in Turkish) was the central leadership for the movement known in the West as the Young Turks.
  31. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 142 (14 July 1915).
  32. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 145 (15 July 1915).
  33. For the Madagascar Plan, see Christopher R. Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939–March 1942* (London: Heinemann, 2004), 81–83.
  34. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 155 (22 July 1915).
  35. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 170 (18 August 1915).
  36. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 182 (2 September 1915).
  37. Barbara von Tigerstrom, *Human Security and International Law: Prospects and Problems* (Oxford: Hart Publishing, 2007), 96, 102–103. Also see Catherine Lu, “Whose Principles? Whose Institutions? Legitimacy Challenges for ‘Humanitarian Intervention,’” in *Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006), 197; Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action* (Cambridge: Polity Press, 2007), 18.
  38. Riksarkivet, *Utrikesdepartementet*, vol. 1148, No. 183 (4 September 1915).
  39. *Svenska Morgonbladet*, 4 October 1915.
  40. *Svenska Morgonbladet*, 11 October 1915.
  41. Riksarkivet, *Utrikesdepartementet*, 1902 års dossiersystem, vol. 1149a, No. 20 (15 January 1916).
  42. Krigsarkivet (War Archives), *Generalstaben*, Letter 13, (13 March 1916).
  43. Krigsarkivet, *Generalstaben*, Letter 8 (13 May 1916).
  44. Riksarkivet, *Utrikesdepartementet*, vol. 1149a, No. 80 (20 May 1916).
  45. *Dagens Nyheter* (Stockholm), 7 June 1916.
  46. *Dagens Nyheter*, 30 August 1916.
  47. Riksarkivet, *Utrikesdepartementet*, vol. 1149a, No. 137 (25 September 1916).
  48. Riksarkivet, *Utrikesdepartementet*, vol. 1149a, No. 9 (5 January 1917).
  49. Riksarkivet, *Utrikesdepartementet*, vol. 1149a, No. 14 (14 January 1917).
  50. *Dagens Nyheter*, 24 March 1917.
  51. Riksdagens arkiv, *Andra kammaren, Interpellationer* (The Second Chamber of the Riksdag, Interpellations) 35:29–30 and 62:7–8 (23 March 1917).
  52. Riksdagens arkiv, *Andra kammaren, Interpellationer*, 62:10 (23 March 1917).
  53. *Svenska Morgonbladet*, 28 March 1917.
  54. *Social-Demokraten* (Stockholm) (27 March 1917); *Svenska Dagbladet*, 28 March 1917.
  55. *Social-Demokraten*, 27 March 1917.

56. *Svenska Morgonbladet*, 2 April 1917.
57. *Dagens Nyheter*, 11 April, 1917.
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74. Riksarkivet, *Utrikesdepartementet*, vol. HP 904, Telegram, Paris 0305/23 40W 23 18 40, Cabinet Stockholm (24 April 1920).
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76. Riksarkivet, *Utrikesdepartementet*, vol. HP 1474, No. 69 (17 March, 1921).
77. Ibid.
78. Ibid. Richard Hovannisian's excellent and descriptive work, *Armenia on the Road to Independence, 1918*, however, gives a very different image than that depicted by Wallenberg. See Richard G. Hovannisian, *Armenia on the Road to Independence* (Berkeley: University of California Press, 1967).
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80. Göran Gunner and Erik Lindberg, eds., *Längtan till Ararat, En bok om Armenien och armenisk identitet* (Göteborg: Gothia, 1985), 273.
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84. Ibid., 96–97.
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87. Riksarkivet, *Utrikesdepartementet*, vol. HP 1474, No. 234 (19 October 1921).
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# Contributors

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**Vahagn Avedian** holds an MSc in Computing Science (1999) and an MA in History (2008), both from Uppsala University, Sweden. He is the Chief Editor of the bilingual (English and Swedish) Internet site *Armenica.org*, dedicated to the history of Armenia and its related issues. He is also the editor of *Folkmordet1915.se*, a Swedish Internet site dedicated entirely to the Armenian Genocide.

**Kimberley A. Ducey** is a member of the Faculty of Arts (Department of Sociology), University of Winnipeg.

**Katherine Goldsmith** holds a BA (Hons) degree in Politics with Media and Cultural Studies and a European Joint Master's degree in Human Rights and Genocide Studies from Kingston University in the United Kingdom, the latter including a semester at the Università degli Studi di Siena, Italy, and another semester interning at the Institute for Conflict Analysis and Resolution, George Mason University, USA. Since completing her master's degree in January 2010 she has undertaken some editing work for the government of Switzerland for the Second Regional Forum on Genocide Prevention, Arusha, Tanzania, 2010.

Dr **Aidan Hehir** is Senior Lecturer in International Relations with the Department of Politics and International Relations at the University of Westminster. His research interests include humanitarian intervention, state building, and the prevention of genocide. He is the author of *Kosovo, Intervention and Statebuilding* (Routledge, 2010); *Humanitarian Intervention: An Introduction* (Palgrave Macmillan, 2010); *Humanitarian Intervention After Kosovo* (Palgrave Macmillan, 2008); and *Statebuilding: Theory and Practice* (Routledge, 2007, 2009), as well as of a number of journal articles.

**Elisabeth King** is a post-doctoral research fellow at the Earth Institute at Columbia University in New York. She works on issues at the intersection of peacebuilding, conflict, and development in sub-Saharan Africa. To learn more about her work, please see [www.columbia.edu/~ek2570/](http://www.columbia.edu/~ek2570/).

**Geneviève Parent** is Assistant Professor of Conflict Studies at Saint-Paul University in Ottawa, Canada. She specializes in victimology, victims of violence, and research methods. Specifically, her research interests include phenomenology; victims' rights; victims of war; the effects of mass violence on individuals and communities; and questions of healing, transitional justice, and reconciliation in peacebuilding practices. She is presently working on a book on peacebuilding and psychologies of peace based on the comparative analyses of African conflict victims.