

## *Chapter 1*

### *The Canadian Residential School System*

Using research articles, blogs, and primary sources, this paper argues that cultural genocide against Indigenous peoples occurred in Canada as a method to assimilate Indigenous peoples into the wider, European society. It argues that Residential Schools were implemented to “remove the Indian from the Child”; the effects of these schools are felt throughout many generations and shape the lives of Indigenous peoples today. The researcher notes that Canada must take more responsibility for the current situation of Indigenous peoples, acknowledge the harms committed in the past, and make reparations.

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Upon hearing the word genocide, it is common for people to think of better-known instances such as the Rwandan genocide and the Holocaust as the only ones that have happened in recent history. However, what many people (even Canadians) overlook, is the fact that the Canadian Government conducted its own form of genocide; for over 100 years starting in the 1880s, the Residential school system was started, removing Indigenous children from their homes and communities. This was done by implementing Residential schools that strictly targeted Indigenous children. The first Residential school opened in the late 1880s<sup>1</sup> with the intent of removing Indigenous children from their heritage and to turn them into ‘ideal citizens,’ under a colonial, Eurocentric principle of what was believed to be an ideal citizen. This would stand to have a long lasting impact on Indigenous peoples, not just as individuals, but as a culture and identity for the community as a whole. By removing children from their homes and stripping them of their identity, the Canadian government committed what can now be considered a

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<sup>1</sup> Woolford, Andrew and James Gacek. “Genocidal Carcerality and Indian Residential Schools in Canada.” *Punishment & Society* 18, no.4 (2016): 400-19

cultural genocide that would, unfortunately, have a long lasting negative impact and ruining the lives of many generations of its first peoples.

Canada's treatment of its Indigenous population is oftentimes referred to as a "Cultural Genocide". Under the UN Genocide Convention the term "genocide" can be defined under Article II (c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*; and section (e) *Forcibly transferring children of the group to another group*. The term 'cultural genocide' can be defined as *the systematic destruction of traditions, values, language, and other elements which make a one group of people distinct from other groups*.<sup>2</sup> Despite the fact that the last residential school didn't close until 1996 (over 100 years after the first school opened) many people are unaware that these schools ever occurred in the first place. In many high school history courses, the history of Indigenous Canadians is not looked at in enough depth to promote any awareness and many Canadians have no idea the terrible things that have happened to our country's first peoples. The fact that more than 150,000 First Nations, Métis and Inuit children<sup>3</sup> were taken from their homes and placed in residential schools far away from their homes, seems to be an important enough issue that everyone in Canada should be aware of the atrocity that took place within its' border. The sole intent of removing the children from their families was to change them from the traditional ways of the Indigenous people to better suit the colonizers beliefs.

It is important to note that the parents did not let their children attend these schools knowing the true purposes of the schools. The schools were created under *The Indian Act of 1867* (amended in 1884 to include the schools) to force assimilation of Indigenous people into the 'ideal' European society<sup>4</sup>. Parents were threatened by the

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<sup>2</sup> "Cultural Genocide." Cultural Genocide. Accessed April 01, 2017. <http://www.culturalgenocide.org/join.html>.

<sup>3</sup> Truth Reconciliation Commission of Canada, Author, Truth Reconciliation Commission of Canada, and ProQuest. *Canada's Residential Schools : The Final Report of the Truth and Reconciliation Commission of Canada*. McGill-Queen's Native and Northern Series; 80-86. Montreal ; Kingston ; London ; Chicago: Published for the Truth and Reconciliation Commission of Canada by McGill-Queen's University Press, 2015.

<sup>4</sup> "Current Policies of Forced Assimilation in Canada Against First Nation, Inuit and Metis - Historical Root." Current Policies of Forced Assimilation in Canada Against First Nation, Inuit and Metis - Historical Root. September 15, 2015. Accessed March 30, 2017. [http://caid.ca/assimilation\\_policy.html#pol-indianact](http://caid.ca/assimilation_policy.html#pol-indianact).

former government, that if they didn't comply they (the parents) would be sent to prison for withholding the children from the schools.

Upon entering the school system, students were faced with abuse by the Nuns and Priests running the schools. All of the schools were watched over by these religious figures, as they were seen to be of a proper religion. Around 60 per cent of the schools were run by Nuns and Priests from the Roman Catholic Church<sup>5</sup> with the rest being other westernized Christian churches, however not all students faced abuse. Not only were children taken from their homes away from their families, but in the majority of survivors' recollections, they were beaten and abused for things like speaking their native languages, practicing native religions, talking back to the Nuns or Priests that ran the schools, and even things like crying or bed wetting. Many students had to deal with mental and physical abuse, leaving many of them in a state of loss upon leaving the school system

Many of the schools were underfunded, having the children live in inadequate conditions. There was a large shortage of food at many of the schools, leaving some survivors remembering the need to go steal food from a local farmer's crop. Prince Albert Residential School survivor, Harry McGillivray, recalls stealing raw carrots from a local farm, "We used to pull the carrots and you know, you clean them up with that green stuff they've got on top there. You clean them up and there's a little bit of dirt but that didn't matter. We used to say it was a little bit of gravy."<sup>6</sup> Diseases were wide spread throughout the schools, which resulted in many students dead because of a lack of medical care at the institutions. Tuberculosis, influenza, and the Spanish flu were just some of those more responsible for over 6,000 deaths of youth in the schools. On some occasions students would be sent to their home communities, where the disease would spread due to the lack of current more modernized medicine, and the local community's lack of knowledge of the foreign diseases. This action can be classified as an attempt to pursue the genocide of Indigenous communities, as many members would become sick

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<sup>5</sup> "At Least 6,000 Children Died In Residential Schools, TRC Chair Says". 2017. *CBC News*. <http://www.cbc.ca/news/politics/residential-schools-findings-point-to-cultural-genocide-commission-chair-says-1.3093580>.

<sup>6</sup> We are the Children. "Stories Introduction - Harry McGillivray." *Where Are The Children*. 2011. Accessed March 15, 2017. [http://wherearethethechildren.ca/en/stories/#story\\_20](http://wherearethethechildren.ca/en/stories/#story_20)

and die not long after coming into contact with the disease. The schools themselves were, for the most part, not real academic institutions as many of the children staying at the schools were forced into untrained and unsupervised labour for the majority of the day, then receiving little education afterwards.

The term ‘intergenerational effects’ or ‘intergenerational trauma’ are terms often associated with Residential School survivors. These terms refer to “a collective trauma inflicted on a group of people who share a specific group identity or affiliation—ethnicity, nationality, and religious affiliation. It is the legacy of numerous traumatic events as community experiences over generations and encompasses the psychological and social responses to such events.”<sup>7</sup> Many survivors of the schools experienced this trauma after being stripped of their cultural identity and not knowing who to trust in the world; being told that your peoples beliefs are wrong and that their parents didn’t love them any longer created large amounts of distrust. Lorna Rope, a survivor from St Paul’s in Saskatchewan, recalls the abuse she suffered from the hands of her father who also stayed at a residential school as a child, “he was abusive at times, when he would get angry he would kind of lose control and he would hit us on the head with his knuckles, and that was the same way the Nuns did to us, to me, when I was there. I remember them doing that. As I got older I correlated the two and realized that my dad had picked this training up from the school and realized it wasn’t part of himself.”<sup>8</sup> Lorna’s story would not be the only one where a child suffered from the hands of a parent who attended the schools and didn’t know how else to be a parent than from their own experience at the residential schools.

The legacy left behind by the Residential school system is not one that should be forgotten by Canadians. In 2008, the Canadian government, led by former Prime Minister Stephen Harper, issued a formal apology for the wrong doings of the previous government. Harper acknowledges that the two main objectives from the schools were too “remove and isolate children from the influence of their homes, families, traditions

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<sup>7</sup> Evans-Campbell, Teresa. "Historical Trauma in American Indian/Native Alaska Communities." *Journal of Interpersonal Violence* 23, no. 3 (March 2008): 316-38. Accessed March 30, 2017. doi:10.1177/0886260507312290.

<sup>8</sup> We are the Children. "Stories Introduction – Lorna Rope Where Are The Children. 2011. Accessed March 15, 2017. [http://wherearethechildren.ca/en/stories/#story\\_4](http://wherearethechildren.ca/en/stories/#story_4)

and cultures, and to assimilate them into the dominant culture.” Harper also acknowledges that the schools had lasting traumatic effects on the 80,000 remaining survivors, which in turn resulted in intergenerational effects upon the children and grandchildren of the survivors. This apology came with mixed emotions for Indigenous Elders because, although Harper did apologies, many felt that it was hollow because of the fighting the federal government was doing to put more money into the Indigenous communities.<sup>9</sup>

Many communities in Canada today are still faced with issues of things deemed essential to human life. The United Nations General Assembly adopted a resolution in 2010 called “64/292. The human right to water and sanitation”, which states that all human beings should have access to clean and safe drinking water. This document brings attention to the fact that over 880 million people do not have access to safe drinking water<sup>10</sup> and that countries with the ability to offer assistance to these people in need, should be donating money and people to help. A country like Canada is one of the countries many people would think of to offer support, however, our government cannot even support its own Indigenous people with the basic needs of human life. Canada’s Indigenous community faces many current hardships despite the government claiming that Canada is an equal society and frowning upon racial discrimination, or discrimination of any kind.

Not only are Indigenous people faced with a lack of basic life necessities, Indigenous peoples are faced with many other, subtle forms of discrimination. Although Residential schools have been closed since 1996, the rate of Indigenous youth being removed from their homes and being placed into the child care system lies on an usually high rate compared to those of other people in Canada. A 2006 study shows that Status First Nations children represent 16% of the child population in Manitoba, but 70% of

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<sup>9</sup>Mackinnon, Shauna. "Fast Facts: The Harper apology & Residential schools and Bill C-10." Canadian Centre for Policy Alternatives. January 12, 2012. Accessed April 01, 2017. <https://www.policyalternatives.ca/publications/commentary/fast-facts-harper-apology-residential-schools-and-bill-c-10>.

<sup>10</sup> The United Nations. "Resolution adopted by the General Assembly on 28 July 2010. The human right to water and sanitation." United Nations. July 2010. Accessed March 24, 2017. <http://www.un.org/es/comun/docs/?symbol=A%2FRES%2F64%2F292&lang=E>.

these children have been removed from their homes and taken into child care.<sup>11</sup> Not only do children still suffer, Indigenous adults are extremely misrepresented within correctional facilities in Canada. In 2010/2011 more than 20% of those in some form of custody were Indigenous adults. In a province like Nova Scotia Indigenous people represent only 2.4 per cent of the total population, however, make up 10 per cent of the total Nova Scotian inmate population.

Survivors stories like that of Lorna Rope, and how her father abused her the way the Nuns and Priests abused him, leads into another path of helplessness that many Indigenous people struggle with. Many Indigenous people, survivors and later generations become involved with substances like drugs and alcohol in an attempt to forget the pain and suffering they encountered during their time at residential schools, or to get away from the pain inflicted upon them by those who attended the schools. Indigenous people have the highest rate of addiction and substance abuse in Canada, despite them representing only 4.3% of an average provincial population. On average 34.4% Indigenous people are considered heavy drinkers, compared to 26.6% of non-aboriginals. (Heavy drinking refers to the consumption of five or more drinks on one occasion at least once a month in the 12 months.) 40% of Indigenous people ages 12-24 were considered heavy drinkers, versus 35.5% of non-aboriginals.<sup>12</sup> This is very troubling as both PTSD and alcoholism can result in violence against family members, depression, and more mental issues.

Canada as a whole should feel more responsible for the current situation that Indigenous peoples are facing in 2017. The despite the government offering an apology for the actions of past governments, does not mean that there should be any less attention paid to the current lives of these peoples. The removal of Indigenous children and stripping them of their cultural identity to better suit the visions of the European settlers left the survivors of the schools on a downward spiral leaving them in a state of mistrust and helplessness as the discrimination brought on by Canada's first government has not

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<sup>11</sup> CCWP. "First Nations Child Welfare in Manitoba (2011)." Canadian Child Welfare Portal. 2012. Accessed March 22, 2017. <http://cwrp.ca/infosheets/first-nations-child-welfare-manitoba>.

<sup>12</sup> Government of Canada. "Aboriginal Peoples: Fact Sheet for Canada." Government of Canada, Statistics Canada. November 30, 2015. Accessed March 26, 2017. <http://www.statcan.gc.ca/pub/89-656-x/89-656-x2015001-eng.htm>.

been easily shaken from the rest of Canadian society. The results of the cultural genocide brought on by the Eurocentric traditions and values of European settlers has been extremely devastation upon Canada's current Indigenous population, with little support from past governments to rehabilitate the communities and the people.

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## *Chapter 2*

### *The Trail of Tears: An American Ethnic Cleansing*

Using primary and secondary sources, this paper explores 1876 Bulgarian Uprising in the Balkans, during which an estimated 6000 Christian Bulgarians were killed. The researcher focuses on the difficulties of serving justice in cases of ethnic cleansing, but suggests that in this case, admittance of responsibility is an important component of justice. Based on the acts committed, definitions of genocide provided by the United Nations, and international responses to the uprising, the researcher argues that although the conflict falls under and ethnic cleansing, the peoples effected still deserve justice.

*November 21, 2016*

In 1830, President Andrew Jackson signed the Indian Removal Act of 1830. The Act provided for the acquisition of Native American territory within US borders, while

designating new lands west of the Mississippi as destinations for the soon-to-be evicted Native Americans. The Act came as part of the ongoing expansionist campaign by the US to claim these territories for their own settlers who were inciting conflict by constantly trespassing and settling in Native territory. This act was an extension of US expansionist policy, wherein Native populations would be relocated and reduced to remove competition for land and resources effectively committing genocide. This time period was also one of heavy conflict, with the US constantly at war with one Native nation or another in the ongoing Indian Wars as it expanded west. Despite the land exchange being supported by treaties, this expulsion was marked by violence and death. The Nations affected were forced to march en masse across large tracts of land during an uncommonly cold winter. Many died in transit, leading to the Cherokee naming the event the Trail of Tears. The Indian Removal Act of 1830 and the resulting Trail of Tears was a major act of ethnic cleansing in the United States' attempts to minimize and eliminate Native American populations by forcibly relocating several tribes such as the Cherokee from their ancestral homelands in order to expand American sovereignty and reduce the influence of the Native nations.

By 1830 the Cherokee were one of the most well-established Native American groups in America with their own system of education, an independent government, and a growing economy.<sup>13</sup> Despite being a staunch ally of the United States, having aided in negotiations with other native groups and even having provided soldiers to the United States military, the Cherokee had a rocky relationship with their settler neighbours.<sup>14</sup> With cotton increasing in value as a cash crop, more and more settlers wanted to acquire land in the south to establish plantations. The Cherokee were sitting on excellent plantation soil, soil which white Americans felt was wasted and unexploited.<sup>15</sup> Cherokee territory was also an attractive haven for escaped slaves, as a practically independent nation within the borders of the United States. Most importantly, however, was the fact that gold had been discovered in Dahlonega, in the heart of the Cherokee nation.<sup>16</sup> This

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<sup>13</sup> Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: The Noonday Press, 1990), 105-6.

<sup>14</sup> Vicki Rozema, ed., *Voices From The Trail of Tears* (Winston-Salem: John F. Blair Publishers, 2003), 5.

<sup>15</sup> Watson, *Liberty and Power*, 106.

<sup>16</sup> Rozema, *Voices*, 5-6.

attracted a mass of prospectors and furthered Georgia's desire to seize the Cherokee lands.

Previous policies to 'civilize' and assimilate the Cherokee had failed as the Cherokee used elements of white American culture to strengthen their nation, creating a system of writing (using it in a national newspaper printed both in English and Cherokee), a constitution, and a legislature very similar to the United States'.<sup>17</sup> As the Cherokee grew more unified, they became far less willing to sell their land to white settlers, especially as the said land was held in common by the Cherokee and therefore not for individual sale. Of course, there was also a racist element: as Watson says, "Indian Sovereignty represented an affront to the racist principle that none but white men were fully entitled to republican rights and privileges."<sup>18</sup> The existence of a fully-independent nation with its own government, laws, and culture inside the borders of America rankled those who believed in European dominance as the natural order.

All of these influences together meant that white settlers began to repeatedly violate a large number of treaties controlling Cherokee land. Settlers began to enter the Cherokee nation's borders and seize land for themselves, despite the fact that the land was owned by the Cherokee and that ownership was recognized by the Supreme Court. George M. Troup, Governor of Georgia, was particularly militant about denying the Supreme Court's ruling, pursuing the distribution of Cherokee and Creek land long before the land was even legally able to be sold.<sup>19</sup>

Andrew Jackson, the President of the time, supported claiming these lands. Jackson had previously served as a General in the United States Army fighting against Native Americans in Tecumseh's War and many other of the Indian Wars. Jackson believed that Native Americans should be treated as American subjects, not as sovereign nations.<sup>20</sup> This ideology led to Jackson's apparent disdain for the many treaties established with the Cherokee nation, treaties which Jackson blatantly ignored when the Removal Act took hold. It was partly Jackson's new economic policies that created the

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<sup>17</sup> William L. Anderson, ed., *Cherokee Removal: Before and After* (Athens: University of Georgia Press, 1991), viii-x.

<sup>18</sup> Watson, *Liberty and Power*, 106.

<sup>19</sup> Watson, *Liberty and Power*, 107.

<sup>20</sup> Watson, *Liberty and Power*, 107.

increased demand for land and an almost moral obligation to tap into unexploited natural resources, leading to some of the conflict between the Cherokee and the State of Georgia.<sup>21</sup> Furthermore, Jackson was of a mind that Native Americans were incapable of coexisting with ‘more civilized’ races.<sup>22</sup> He believed that it was in the Cherokee’s best interests to move West across the Mississippi than to stay within Georgia’s borders for both pragmatic and moral reasons: by staying within Georgia’s borders there was bound to be more conflict between Georgia and the Cherokee, so displacing them would both increase Jackson’s support in Georgia and prevent further conflict. Andrew Jackson had little regard for the Cherokee as an independent nation, instead being intent on furthering Manifest Destiny and a vision of a white-controlled America.

The Indian Removal Act was passed by Congress on May 28th, 1830. When the Indian Removal Act was signed into law, it gave the President power to exchange Native-held territory for territories in the West, and that “it shall... be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove... that he is now authorized to have over them at their present places of residence.”<sup>23</sup> The Act established a number of districts in what would become modern-day Oklahoma as designated Indian Territory, a destination for Native groups ousted from their homelands. It provided funds for the compensation for these lands and the improvements upon it, as well as protections for travelling groups. The protective language of the Act disguises its true nature: this is a document facilitating the ethnic cleansing of the Cherokee people from Georgia, along with a number of other Native American tribes within the United States’ borders.

The legal basis for the Removal Act was mainly shaped by two separate instances: The Treaty of New Echota and the Supreme Court decision of *Cherokee Nation v. Georgia*. As the Cherokee were historically treated as a foreign nation by the United States, the President had no jurisdiction of any kind to enforce this act. The Georgian state legislature’s attempts to enforce the Act and remove the Cherokee were

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<sup>21</sup> Anderson, *Cherokee Removal*, 42-3.

<sup>22</sup> Robert V. Remini, *Andrew Jackson and the Course of American Democracy, 1833-1845* (New York: Harper & Row Publishers, 1984), 121.

<sup>23</sup> U.S. Congress, *An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi*, 21st Congress, 1st Session, Chapter 148 (May 28, 1830), Section 7.

challenged in a court decision that went up to the Supreme Court. The Court's ultimate decision was that the Cherokee were a foreign nation by the meaning of the Constitution.<sup>24</sup> Therefore, Georgia's attempts to pass legislation controlling Cherokee territory were unlawful, but by that same token the Supreme Court had no jurisdiction over the Cherokee. This left the Cherokee open to exploitation through treaties, which the Supreme Court declared as binding as any other treaty with a foreign nation.

The Cherokee resisted giving up their lands for a long time after the Indian Removal Act was signed. Despite pressure from Andrew Jackson and the Georgian legislature urging the Cherokee to leave their homeland and join their fellow Native Americans, the Cherokee continued to remain. When a treaty of removal was presented to the Cherokee National Council, it was quickly rejected. In 1835, a small committee of twenty Cherokee was gathered by a group of American delegates under the guise of calling for a council of all Cherokee.<sup>25</sup> The same treaty, now referred to as The Treaty of New Echota was brought before this small group, and they were convinced to accept it. Somehow, this treaty overseen by a group that could not possibly represent the Cherokee was accepted as a legally binding treaty. As Remini says, this treaty was nothing more than "chicanery, pure and simple." Both the Cherokee leadership and the vast majority of the people rejected this treaty, yet the decision of these twenty Cherokee created a valid removal treaty for the U. S. Government to enforce the Removal Act. The President and Senate signed off on it shortly afterward, and the forced Removal began.

So, in 1838 with the unwanted treaty now providing justification, the United States began arranged for the exchange of territory and the removal of the Cherokee population. The Cherokee themselves were one of the last groups to move, as many of the other Native American nations had agreed to the removal long before. The Native Americans were told to vacate the land by May 25th, or else the army would come and forcibly remove them.<sup>26</sup> A few hundred left, but many stayed to protest the treaty forced upon them. The United States Government responded by sending in armed militiamen to round up the Cherokee, concentrate them in prison camps, and force them to travel west

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<sup>24</sup> *Cherokee Nation v. Georgia* 30 U.S. 1 (Supreme Court of the United States 1831), 30.

<sup>25</sup> Remini, *American Democracy*, 299-301.

<sup>26</sup> Rozema, *Voices*, 67-9.

at the point of a bayonet.<sup>27</sup> Many died in the camps. Many more died while making the long trek. Diseases such as dysentery became common, the wagons did not have room for the elderly who could not endure travel on foot, the provided food could not sustain the people, and there was little to no shelter from the uncommonly cold winter.<sup>28</sup> Of the 18,000 Cherokee removed from their homeland, it is estimated that 4,000 died as a result of the horrific conditions. It is this death rate that gave this removal its name: The Trail of Tears. What started as the ethnic cleansing of Georgia became deadly, endangering the very existence of the Cherokee people. President Jackson believed that moving west would preserve the Cherokee, instead, roughly one in five Cherokee who made the trek died.

After the Trail of Tears, the Cherokee population in the eastern United States was significantly reduced from 16,000 Cherokee to 1,900, a drastic drop in population.<sup>29</sup> The Cherokee population in total took a massive hit, with Russel Thornton calculating a potential loss of 10,000 Cherokee, both from deaths and from nonbirths (that is, the total includes the population growth that was prevented by the Trail of Tears).<sup>30</sup> The decimation of the eastern Cherokee population meant that there was little-to-no opposition to the expansion into this territory. What once was one of the greatest Native American civilizations was destroyed, its homeland swallowed up by the United States. What few Cherokee remained in the East were scattered families and individuals, no longer a unified nation. The Cherokee population was drastically diminished by the ethnic cleansing of the Trail of Tears, the total population by a great amount but especially the population in the east.

The Cherokee had spent a number of years building themselves up as an independent, 'civilized' (by American standards) nation within the United States. Despite their attempt to appeal to American ideals, they were still forced to abandon their ancestral homelands by virtue of a treaty made on a clearly-illegal basis. The National Council established laws saying that those who sold land without approval of the

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<sup>27</sup> Remini, *American Democracy*, 302-3.

<sup>28</sup> John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation*, (Toronto: Anchor Books, 1989), 352-4.

<sup>29</sup> Anderson, *Cherokee Removal*, 88.

<sup>30</sup> Anderson, *Cherokee Removal*, 93.

National Council could be executed for treason.<sup>31</sup> The Cherokee had desperately tried to hold on to their lands and their identity in the face of overwhelming American encroachment, yet they could not resist and the Cherokee nation was nearly swept away. The Cherokee leadership knew that “nationalism was integral to sustaining the fabric of Cherokee society and culture,” but reconciling the forcibly-removed eastern Cherokee with those who had left earlier would be a difficult prospect.<sup>32</sup> The Cherokee people had suffered a massive blow to their unity and culture, and it would take a lot of work to restore their nation.

Yet despite their losses, the Cherokee did manage to recover. The leaders of the former Cherokee nation endeavored to keep their political structure intact, so that when they reached their new lands their laws, customs, and constitution would be quickly reinstated.<sup>33</sup> Conflict quickly arose between the three major factions of Cherokee: those who had previously moved West and had mainly assumed their brethren would be treated like returning expatriates, those who had wished to remain (which formed the main body of the Cherokee travelling west), and those who had agreed with the removal policy and were regarded as traitors by the rest.<sup>34</sup> Despite these divisions, the Cherokee eventually managed to rebuild their society and recover from the horrific losses.

The Cherokee people were one of the most advanced and ‘civilized’ (by American standards) Native American nations within the borders of the United States. Yet despite their repeated demonstrations of loyalty and acculturation, their existence as a sovereign nation rankled those Americans living around them. Several developments, including the rising cotton industry, the discovery of gold, and blatant racism led to a rise in conflict between the Cherokee and their neighbours. President Andrew Jackson established the Indian Removal Act, a program of ethnic cleansing designed to remove Native American populations from American territory. When the Cherokee resisted the Removal Act, it took a flagrantly-illegal act of subterfuge to force them to comply. When they continued to resist, the United States military stepped in to drive them off their

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<sup>31</sup> William G. McLoughlin, *After the Trail of Tears* (Chapel Hill: University of North Carolina Press), 4-5.

<sup>32</sup> McLoughlin, *After the Trail*, 7.

<sup>33</sup> McLoughlin, *After the Trail*, 5.

<sup>34</sup> McLoughlin, *After the Trail*, 4-5.

lands, place them in concentration areas, and make them march over hundreds of miles to their designated destination. A significant fraction of the Cherokee population died on the Trail of Tears, the Cherokee's ancestral homeland was conquered, and the remaining population was severely minimized. This was an ethnic cleansing, perpetrated by the United States Government and President Andrew Jackson to eliminate the Cherokee population within America's borders and minimize their influence by displacing them far from American territory.

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### *Chapter 3*

*Bulgarians Horrors: Remembering the Turkish Atrocities Against the Bulgarians during the April Uprising of 1876*

*November 21, 2016*

Genocide is a topic difficult to explore. The events studied often reflect some of the worst actions committed by humans against other humans; the reaction of the international community in response to these acts have fallen short repeatedly; and debate still emerges concerning who is to blame for events that occurred nearly one hundred years ago. Added to these obstacles comes the question of whether or not these events fall under the United Nations Convention on the Prevention and Punishment of Genocide. These questions have caused many events to be forgotten or relegated to crimes with less negative connotation than that of genocide. One of these is the brutal crushing by the Ottoman empire of the 1876 Bulgarian April Uprising in the mountainous regions of the Balkans,<sup>35</sup> during which massacres such as the one in Batak resulted in an estimated 6000 Christian Bulgarians killed.<sup>36</sup> Many questions of vital importance to international politics and justice emerge during the study of this uprising. Do the acts committed by the Ottoman Empire against the Bulgarians constitute grounds for these actions to be considered ethnic cleansing or were they part of a policy of genocide? If this question is added to the debate, it has severe implications for the justicial aspect of these crimes. Does their definition as ethnic cleansing diminish the right of Bulgarian people to receiving justice? And does the time that has passed since the uprising—one hundred and forty years—prevent the application of justice? The study of the acts committed during the Ottoman response to the April Uprising, the reaction of the international committee, and the current understanding of genocide established by the United Nations leads to following answers to these previous questions: the acts were constitutive of ethnic cleansing, and not genocide, but recognition of responsibility should be undertaken by Turkey in order to establish justice following these difficult events.

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<sup>35</sup> Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe* (Lanham: Rowman & Littlefield, 2006), 15-20.

<sup>36</sup> *Ibid.*

There is a considerable difference between ethnic cleansing and genocide, albeit sometimes difficult to see. There is much debate surrounding other mass atrocities—such as the Armenian genocide—concerning these differences. The UN genocide convention, as signed by Bulgaria and Turkey,<sup>37</sup> represents a very strict definition that has led to the exclusion of many of these crimes from being tried under the charge of genocide. Genocide, in this treaty, becomes a series of specific acts against “national, ethnical, racial or religious groups”, committed with intent to destroy “in whole or in part” the group targeted.<sup>38</sup> These acts include murder, causing “bodily or mental harm”, preventing births or removing children, and “inflicting conditions...to bring about its physical destruction”.<sup>39</sup> Ethnic cleansing, on the other hand, covers crimes that are much broader and does not necessarily involve the destruction of the entire group targeted. It is a term that emerged as a result of the conflict in Bosnia and Herzegovina in the 1990s.<sup>40</sup> Study of the concept in different languages helps clarify the idea; in French, the term is ‘*purification ethnique*’—literally ethnic purification.<sup>41</sup> Ethnic cleansing can be accomplished through military operations between two ethnic groups in a single territory<sup>42</sup> and has the purpose of making one group more powerful and more demographically dominant in the area. Crimes committed under the guise of ethnic cleansing are varied, including administrative measures, terrorizing measures, non-violent measures, and military measures.<sup>43</sup> This can involve ensuring that only one ethnic group settles certain areas of the territory, the removal from power of political representatives of the targeted group, the media releasing propaganda against the targeted

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3. United Nations, *Treaty Series*, vol. 78, No. 1021.

4. Ibid.

5. Ibid.

6. Drazen Petrovic, "Ethnic Cleansing—An Attempt at Methodology", *European Journal of International Law* 5, (1994): 343.

7. Ibid.

8. Ibid.

9. Ibid, 344-347.

group, large-scale deportation, and summary executions.<sup>44</sup> Certain actions committed as part of ethnic cleansing could fall within the scope of genocide. However, ethnic cleansing does not necessarily involve the destruction of a group, only relates to groups linked together by ethnicity—compared to religion or nation, and intent to destroy does not need to be proven unlike in cases of genocide.

The massacres that occurred against the Bulgarians during the April Uprising then cannot be considered under the concept of genocide. The April Uprising, led by the Bulgarian Revolutionary Central Committee (BRCC), followed the failed September Uprising of 1875—the first to be crushed by the Ottoman Turks.<sup>45</sup> It was a series of poorly executed revolts against the Ottomans in a rather centralized region in the Balkans.<sup>46</sup> The Ottomans ordered the Bashi-Bazouks, groups of irregular Turkish Muslim soldiers, to quell the uprising that had aimed to fulfill nationalist dreams of a nation purposely for Bulgarian Christians and revenge against their Turkish rulers.<sup>47</sup> These troops went on to commit multiple massacres in the mountainous region of the Balkans where the uprising was taking place. “All were slaughtered without distinction of age or sex”.<sup>48</sup> One of the well-known massacres from this campaign is the Batak Massacre, a Bulgarian village, during which 6000 of the 8000 villagers were killed.<sup>49</sup> Stories of this massacre made their way to Western nations primarily through tales of reporters in the area during the time. One of them was Januarius MacGahan, who published an article in the *Daily News* on August 22<sup>nd</sup>, 1876 concerning what he had seen at Batak.<sup>50</sup> He recounts seeing piles of bones and skulls throughout the entire village, houses destroyed, the corpses strewn through the city more often than not that of innocent women and

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10. Ibid.

11. Glenn E. Curtis, *Bulgaria: A Country Study* (Washington, D.C.: Library of Congress, 1993), 19-20.

12. Ibid.

13. Lieberman, *Terrible Fate*, 15-20.

14. Zachary Stoyanoff, *The Autobiography of a Bulgarian Insurgent* (London: Edward Arnold, 1913), 188.

15. Michael R. Watts, *The Dissenters: Volume III: The Crisis and Conscience of Nonconformity* (Oxford: Oxford University Press, 2015), 256.

16. Januarius A. MacGahan, "The Turkish Atrocities in Bulgaria: Horrible Scene at Batak," *The Daily News*, August 22, 1876.

children.<sup>51</sup> Many times, he describes how there were visible signs that the women had been violated.<sup>52</sup> Rape has been identified as a central crime in ethnic cleansing following the war in Yugoslavia.<sup>53</sup> It becomes a systematic act during these events,<sup>54</sup> as it was in the Batak Massacre and the campaign pursued by the Bashi-Bazouks against the Bulgarians.<sup>55</sup> The purpose of the massacres and the quelling of the revolt under the order of the Ottoman Turks was to prevent the Bulgarians from obtaining their own nation in Ottoman territory, ensuring the purification of the area and preservation of Ottoman Turk power in the region. Along with the Batak Massacre and from information collected by MacGahan, anywhere between thirty-four<sup>56</sup> to sixty villages<sup>57</sup> are believed to have been destroyed by the Bashi-Bazouks and close to 30 000 Bulgarians killed.<sup>58</sup> However, numbers of casualties and properties destroyed vary greatly within the retelling of these events, making the determination of these acts as cases of genocide or ethnic cleansing difficult. Despite this, it becomes clear that the actions committed by the Bashi-Bazouks under the Ottoman Turks—both perpetrators of this ethnic cleansing—against the Bulgarians—the victims—in the Balkans cannot be classified as genocide: there is no evidence of intent to destroy ‘in whole or in part’ this ethnic group. Rather, these events were focused on subduing a nationalist uprising, aimed at gaining a nation for the Bulgarians, within Ottoman territory. The multiple acts of rape, property destruction, and murder committed by military forces were aimed at single ethnic group with the purpose of maintaining Ottoman Turk power and ethnic dominance in the area, without necessarily exterminating the Bulgarians as a group.

One of the difficult questions that emerges becomes how should justice be pursued in this case. The only attempt at justice immediately following the conflict was a conference in Constantinople during which Russia made demands in Bulgarians’ favour; the Ottomans however refused and war ensued consequentially halting all efforts at

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17. Ibid.

18. Ibid.

19. Petrovic, "Ethnic Cleansing ", 343.

20. Ibid.

21. Januarius A. MacGahan, "The Turkish Atrocities in Bulgaria"

22. Januarius A. MacGahan, *The Turkish Atrocities in Bulgaria, Letters of the Special Commissioner of the "Daily News,"* (London, Bradbury, Agnew & Co., 1876), 25.

23. Edwin Pears, *Forty Years in Constantinople* (New York: D. Appleton and Co., 1916), 16-19.

24. Curtis, *Bulgaria*, 19-20.

justice between the war years of 1877 and 1878.<sup>59</sup> Justice ended up coming in the form of the Principality of Bulgaria, created by the Treaty of San Stefano and Treaty of Berlin.<sup>60</sup> The Treaty of Berlin solidified the agreements made during the Treaty of San Stefano following the Russo-Turkish War concerning the promises of a Bulgarian “Principality, with a Christian government and a national militia”.<sup>61</sup> The Treaty of San Stefano outlined the election of the prince for the region and how such elections would take place in areas with mixed ethnicities in order to take account of the desires of all the groups.<sup>62</sup> The Treaty of Berlin removed some of the independence promised to Bulgarians and maintained the principality under the rule of the Ottoman Sultan following European fears of Russian involvement in the area.<sup>63</sup> The Ottomans never outwardly took responsibility for the massacres and these were never dealt with by any treaties. The massacres garnered the attention of the many European and Western powers due to the work of journalists such as Januarius MacGahan. Stories emerged in newspapers around the world but major outrage erupted in Britain following the inflammatory work by MacGahan and Eugene Schuyler, American Consul-General for Turkey who became responsible for a report on the Turkish atrocities against the Bulgarians that was presented to the American Minister of Turkey and the British Parliament.<sup>64</sup> Despite this, the British Parliament and Benjamin Disraeli—British Prime Minister at the time—did not take the matter seriously and refused to respond to the matter.<sup>65</sup> They were called out by figures such as William E. Gladstone in his text *Lessons in Massacre or the Conduct of the Turkish Government in and about Bulgaria since May 1876*.<sup>66</sup> He highlights that the European powers, Britain especially, let themselves be swayed by reassurances that the Turkish had simply put to rest the disturbance of order by the Bulgarians.<sup>67</sup> The

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25. Ibid.

26. Thomas E. Holland, *The European Concert in the Eastern Question: A Collection of Treaties and other Public Acts* (London: Oxford University Press, 1885), 223-225.

27. Ibid, 339.

28. Ibid, 340.

29. Ibid, 223-225.

30. MacGahan, *The Turkish Atrocities in Bulgaria*, 25.

31. Pears, *Forty Years in Constantinople*, 16-19.

32. William E. Gladstone, *Lessons in Massacre; or The Conduct of the Turkish Government in and About Bulgaria since May 1876* (London: William Clowes and Sons, 1877), 5-8.

33. Ibid.

international community believed it was doing the right thing by doing nothing and not intervening in another country's sovereignty. Several years later following the Balkan Wars, there was a commission put in place by the Carnegie Endowment for International Peace which released *The Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars* detailing the various crimes committed by all factions in the area, including crimes committed against Bulgarians.<sup>68</sup> However, no similar actions were taken following the atrocities committed during the suppression the April Uprising. Despite clear indication of atrocities being committed against Bulgarians and public outcry, the international community did not respond to the crisis occurring in the Balkans, predicting its inaction to come concerning matters such as the Armenian genocide and even its slow reaction observed in cases such as the Holocaust or the ethnic cleansing and genocide that occurred in Bosnia and Herzegovina. Justice, following the Bulgarian massacres, was severely lacking.

The question then becomes how justice or if justice can be accomplished now; examples taken following the multiple genocides and cases of ethnic cleansing that have followed that of the Bulgarians demonstrate that this might be a little difficult. The conflict occurred one hundred and forty years ago, meaning no survivors can be found to testify in a trial. Additionally, even if these atrocities were to fall under the concept of genocide, the charge cannot be applied retroactively, albeit the term can.<sup>69</sup> Returning to the problem of a lack of survivors, no efforts for transitional justice can be enacted, as there is nobody to tell their story and bear witness to the trauma impacted on the Bulgarian people. And once again, even if there were survivors, a study by Karen Brounéus brought to light the fact that truth telling in cases of transitional justice—such as the *Gacaca* courts in Rwanda—might not be as helpful and healing as desired.<sup>70</sup> Despite all this, it is important to remember that these atrocities still play an important role in Bulgarian history and it is still an influential story for the Bulgarian nationalist

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34. Carnegie Endowment for International Peace, *Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars* (Washington: Carnegie Endowment for International Peace, 1914), 121-135.

35. William A. Schabas, "Retroactive Application of the Genocide Convention", *University of St. Thomas Journal of Law and Public Policy* 4, no. 2 (2010): 36-37.

36. Karen Brounéus, "The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health", *Journal of Conflict Resolution* 54, no. 3 (2010): 429-431.

movement.<sup>71</sup> Therefore, obtaining some form of justice for these violent massacres is still necessary; the method might however be difficult. The only action truly possible so late after the crimes were committed would be restorative justice, focused more on healing the social ties than retributive justice as there is no longer anyone to try for these crimes. Since the beginning of the conflict, the Turkish government has refused to admit guilt to these crimes; as portrayed by Gladstone, they simply argued that the Bulgarians had disturbed the peace and they had simply returned it.<sup>72</sup> Once complaints about the massacres started arising from the European powers, the Ottoman Turks tried to turn the matter into one of numbers, arguing that the Bulgarians and the reporters were exaggerating the numbers of Bulgarians killed while many of their own were being targeted by the supposed victims.<sup>73</sup> Supporters of the Ottoman Empire even tried blaming the massacres on the fact that the empire had never been well organized militarily and that confusion was rampant in the area preceding the following wars—the Russo-Turkish war, the Balkan wars, and even World War I.<sup>74</sup> Ironically enough, the massacres were not accomplished in a disturbed state on the brink of war; rather, they eventually led to these wars, as the Russo-Turkish war was started primarily due to Turkish actions against the Christian minorities in the area. Even if these crimes were not committed under a policy of genocide, they still represent crimes against humanity and justice is necessary. The only hope at justice following these atrocities would be the admission of guilt on Turkey's behalf, in order to allow Bulgarians to feel as if their history has rightfully been told and that their suffering has been heard. Questions of numbers no longer become important—the crimes were committed and excuses for why they happened are prolonging the harm caused to the Bulgarian people. Questions of justice in cases of ethnic cleansing and genocide become difficult; they become questions of who to try, what to try them with, and how these charges will impact politics. The victims, very much like the Bulgarians in this case, are forgotten and their suffering never really ends, which is why admission of responsibility might be the only way to put a stop to it.

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37. Cameron Whitehead, "The Bulgarian Horrors: Culture and the International History of the Great Eastern Crisis, 1876-1878", PhD diss., University of British Columbia, December 31, 2014, 69.

38. Gladstone, *Lessons in Massacre*, 5-8.

39. Lieberman, *Terrible Fate*, 15-20.

40. Gladstone, *Lessons in Massacre*, 5-8.



The atrocities committed by the Ottoman Turks and Bashi-Bazouks as a response to the Bulgarian April Uprising of 1876 were numerous. They involved the destructions of villages, persecution of a specific ethnic group, and systematic rape—all actions that fall under the definition of ethnic cleansing. While the massacres might not be considered genocidal as no intent to destroy the ethnic group can be proven, the Bulgarian people still deserve justice, even after more than one hundred years have passed since these crimes were committed. The international community once again displayed flagrant inaction despite being aware of the atrocities and should now come forward to help put this story to rest. The last hope at justice for the Bulgarian people would be an admission of responsibility from the Turkish government, much like the Armenians are demanding, in order for Bulgarians to feel as if their history is not being falsely attacked or ignored. Genocide and ethnic cleansing are topics difficult to explore; one is no less important than the other, and justice should be primordial in these cases and any that come to arise.

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## Chapter 4

### *21st Century Genocide: Darfur*

*November 21, 2016*

Throughout the past century genocide has been defined, refined, and moved to the forefront of international consciousness. In 2002, just ten years after the Rwandan genocide the world saw the advent of the most recent genocide in history, the Darfurian genocide in western Sudan.<sup>75</sup> The ending date, most would argue, has not happened yet. Thus far the International Criminal Court (ICC) has charged President Omar Hassan Ahmad Al Bashir, along with four others, however the suspect is still at large and in charge of the Sudanese government.<sup>76</sup> Though the genocide is recognized internationally and within the political and humanitarian communities there is little understanding of the conflict within the public consciousness. Although most people in the current day feel that they are well-educated on historical genocides and would have some authority to ensure that it would not happen again, the Darfur context demonstrates that due to media constraints and western centric ideals most people do not know about ongoing genocides.

Between 2003 and 2006 it is estimated that between 200,000 to 500,000 people have been killed by the Sudanese government. While between one to three million have

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<sup>75</sup> Salih Booker, Ann-Louise Colgan, "Genocide in Darfur," *TheNation*, June 24, 2004, accessed October 16, 2016 <https://www.thenation.com/article/genocide-darfur/>

<sup>76</sup> ICC, "Alleged Crimes (non-exhaustive list)," *International Criminal Court*, accessed November 14, 2016 <https://www.icc-cpi.int/darfur/albashir/pages/alleged-crimes.aspx>

been displaced from their homes.<sup>77</sup> Displaced citizens are now living in refugee camps in other sections of Sudan and Chad, many of those in camps have said that they are too afraid to return home after attacks have ceased in their villages.<sup>78</sup> This genocide has been perpetrated through mass murders, systematic raping, the destruction of over 2000 villages, and displacement of peoples.<sup>79</sup>

The determination that is in fact genocide has been controversial, some argue that the international community is determining this as genocide because of collective guilt from Rwanda, while others argue that these crimes are in fact a genocide. During the Bush administration both a commission of inquiry (COI) through the United Nations Security Council and a study by the American government investigated the conflict. The COI found that it was not a genocide, but the American government declared it was.<sup>80</sup> This was significant as it was the first time the United States had ever acknowledged a genocide. Historian, Scott Strauss argues that this difference of opinion stems from the ambiguity surrounding the definition of Genocide. Perhaps with the final determination in this conflict was the ICC charging Al Bashir with three counts of Genocide.<sup>81</sup> The ICC defines genocide as “killing... causing serious bodily or mental harm; and... deliberately inflicting on each target group conditions of life calculated to bring about the group's physical destruction.”<sup>82</sup> As of June 2005, the ICC has focused on crimes of genocide, war crimes, and crimes against humanity relating to the Darfur genocide.<sup>83</sup> The trials start with crimes committed as of July 2002, when the genocide itself began. While the ICC has attempted to bring justice to this conflict, there is not enough sufficient evidence to say that the trials will be successful.

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<sup>77</sup> Eric Markusen and Samuel Totten, *Genocide in Darfur: Investigating the Atrocities in Sudan*, (New York: Routledge, 2013) xxii.

<sup>78</sup> Opheera McDoom, “Victims of Darfur Violence Appeal to U.N.’s Kofi Annan for Protection; Security General Calls on African Union Troops to play Greater Role,” *The Toronto Star* (2005) accessed November 17, 2016 <http://search.proquest.com/docview/438812919>

<sup>79</sup> John Xavier, *Darfur: African Genocide* (New York :The Rosen Publishing Group, 2008) 5.

<sup>80</sup> Scott Straus, “‘Atrocity Statistics’ and Other Lessons from Darfur,” in *Genocide in Darfur: Investigating the Atrocities in Sudan*, Ed. Eric Markusen and Samuel Totten (New York :Routledge, 2013) 191

<sup>81</sup> ICC, “Al Bashir Case,” *International Criminal Court*, accessed November 14, 2016 <https://www.icc-cpi.int/darfur/albashir>

<sup>82</sup> ICC, “Darfur,Sudan,” *International Criminal Court*, accessed November 15, 2016 <https://www.icc-cpi.int/darfur/Pages/default.aspx>

<sup>83</sup> <https://www.icc-cpi.int/darfur>

The genocide is being perpetrated by a group of Arab militia called the Janjaweed Razzas.<sup>84</sup> These militia are attacking predominantly black non-arab African tribal farmers or the non- Arabic speaking African population.<sup>85</sup> It has become abundantly clear that this militia was trained and armed by the government. Though the government tried to distance themselves and espouse that the Janjaweed have stopped the killings, it has become clear that the killings have not stopped and are often perpetrated from government camps or with government backing.<sup>86</sup> The Janjaweed perpetrates assaults, predominantly upon non-arab towns through rape, murder, beatings, torture, burning villages, stealing UN and NGO aid, blocking food and water from citizens, and stealing economic resources.<sup>87</sup> Perhaps one of the most systematic and blatantly genocidal attacks upon the people are the imposed famines, slowly starving out and killing their victims, which would be virtually impossible without government assistance.<sup>88</sup>

In 2004, The UN called upon the Sudanese government to disarm the Janjaweed and create some sort of peace treaty, at which point only approx. 30,000 people had been murdered, but Al Bashir did not comply.<sup>89</sup> In fact it was found that the government actively blocked aid and relief efforts from the international community.<sup>90</sup> Those charged by the ICC with Genocide are government officials, Janjaweed, and resistance forces.<sup>91</sup> Although Chadian governments are attempting to negotiate with the Janjaweed rebels for peace, the treaty has not yet been signed. In December 2003, the Chadian government peace mediator stated that “there has been a breakdown in negotiations because of

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<sup>84</sup> Matthew Lippman, “Darfur: the politics of genocide denial syndrome,” *Journal of Genocide Research* 9 no.2 (June 2007):

<sup>85</sup> Mahmood Mamdani, “Saviors and Survivors: Darfur, Politics, and the War on Terror,” (New York: Crown/Archtype, 2010) 66.

<sup>86</sup> Robert O. Collins, “‘Atrocity Statistics’ and Other Lessons from Darfur,” in *Genocide in Darfur: Investigating the Atrocities in Sudan*, Ed. Eric Markusen and Samuel Totten (New York :Routledge, 2013) 20

<sup>87</sup> World Without Genocide, “Disaster in Darfur: Historical Overview,” *World Without Genocide: At Mitchell Hamline School of Law*, last modified 2013, accessed October 16 2016, <http://worldwithoutgenocide.org/genocides-and-conflicts/darfur-genocide>.

<sup>88</sup> Gregory H. Stanton, “Proving Genocide in Darfur,” in *Genocide in Darfur: Investigating the Atrocities in Sudan*, Ed. Eric Markusen and Samuel Totten (New York :Routledge, 2013) 184.

<sup>89</sup> Eric Markusen and Samuel Totten, *Genocide in Darfur: Investigating the Atrocities in Sudan*, (New York: Routledge, 2013) xxii.

<sup>90</sup> Salih Booker, Ann-Louise Colgan, “Genocide in Darfur,” *TheNation*, June 24, 2004, accessed October 16, 2016 <https://www.thenation.com/article/genocide-darfur/>

<sup>91</sup> ICC, “Darfur,Sudan,” *International Criminal Court*, accessed November 15, 2016 <https://www.icc-cpi.int/darfur/Pages/default.aspx>

unacceptable rebel demand. The talks have been suspended: it's a failure."<sup>92</sup> Negotiations with rebels perpetrating the genocide has resulted in countries becoming frustrated and disillusioned with the idea of ending the conflict in Darfur.

A huge portion of the victims in Darfur are women, this is perhaps obvious as one of their genocidal tactics is rape. As more research is being done in Darfur about the genocide it has been found that many women who suffered sexual violence, are now suffering from "malnutrition; miscarriages; irregular menstrual cycle; sexually transmitted diseases; physical injuries due to beatings; injuries sustained during flight from their enemies," nightmares, and suicide, not to mention the physiological effects and feeling of "shame, depression, stigma, illness, [and] difficulty coping."<sup>93</sup>

At the only free medical clinic in South Darfur they found that 89.8% percent of patients were from 12 non-Arabic tribes and claimed to have been attacked by the Sudanese government. 55.6% of patients were victims of sexual assault. Unfortunately a great deal of these attacks are being perpetrated near to refugee camps, as nearly half of the women who reported sexual assault we assaulted within close proximity to camp for displaced persons.<sup>94</sup>

The clinic itself opened in 2004 and provided health care, along with rehabilitation and legal services to those victim to torture and human rights violations. Unfortunately as the conflict heightened the staff fled the centre, in 2009, but the documentation from 2004-2006 was retrieved and sent off before they left and has been used to research the conflict in Darfur more in depth. Due to security concerns they were not able to get documentation past Dec 31<sup>st</sup> 2006 or any of the gynecology reports from sexual assault victims. What they have retrieved has helped immensely in understanding the conflict, as it is still ongoing and being perpetrated by the standing government. In some cases the victims were able to give specific details about their perpetrators and

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<sup>92</sup> European-Sudanese Public Affairs Council, "The Darfur Peace Process 2003-2005," *The European-Sudanese Public Affairs Council: Working for Peace in Sudan*, last modified 2005, accessed November 17, 2016, <http://espac.org/darfur/darfur-peace-process-2003-2005.asp>

<sup>93</sup> Peter Moszynski, "Women and Girls are Still Victims of Violence in Darfur," *British Medical Journal* 331 No. 7518 (2005) 654.

<sup>94</sup> Sondra S. Crosby, Mohammed A. Eisa, Michele Heisler, Vincent Iacopino, Jennifer Leaning, Susannah Sirkin, Alexander D. Tsai, "Medical Evidence of Human Rights Violations Against Non-Arabic-Speaking Civilians in Darfur: A Cross Sectional Study," *PLoS Med* 9 no.4 (2012) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3317898/>

military commanders or high ranking officials that have had a hand in the genocide and attacks, less than 1% of those mentioned were part of a rebel group. This is of course only relative to survivors, the researchers have made it very clear that these statistics are not representative of the entire conflict or the height of the atrocities as they were not involved with those who died and most patients only came forward for care after the incidents occurred.<sup>95</sup> A lot of the information that is known about deaths and displacement in Darfur comes from the ICC and their ongoing investigation.

The justice process involving a genocide is an extremely controversial matter. Courts are used to attempt to bring legal justice and healing to all involved, however that is not always the case. In Darfur, there are still arguments and evidence to prove that the conflict is not over, therefore making the justice process more complicated, but in many ways Darfur has also been a major turning point in the process of bringing justice to genocide, due to its many failed attempts.

At the start of the war, Darfur was ignored by the international community because of Sudan's seemingly fragile state. Western countries were hesitant about getting involved, partly because of the known internal struggle. When peacekeepers were sent in and the Darfur Peace Agreement signed in May 2006, the international community hoped for an end to the conflict. The Darfur Peace Agreement was null when only one of three rebel leaders signed it.<sup>96</sup> This attempt at justice looked appealing from an outside perspective, but did very little regarding the safety of Darfurian citizens and the stability of Sudan. Likewise, in 2008 the UN initiated a force called The United Nations-African Union Mission (UNAMID).<sup>97</sup> The union was supposed to bring justice to Darfur by stopping the genocide through force. While the initial plan was to send 26000 troops, only 9000 were actually issued. This meant that there were not enough troops or equipment to stop the conflict, and the plan was a failure. While the plan to use force

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<sup>95</sup> Sondra S. Crosby, Mohammed A. Eisa, Michele Heisler, Vincent Iacopino, Jennifer Leaning, Susannah Sirkin, Alexander D. Tsai, "Medical Evidence of Human Rights Violations Against Non-Arabic-Speaking Civilians in Darfur: A Cross Sectional Study," *PLoS Med* 9 no.4 (2012) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3317898/>

<sup>96</sup> Maria Gabrielson Jumbert, "How Sudan's 'rogue' state label shaped US responses to the Darfur conflict: what's the problem and whose in charge?" *Third World Quarterly* 35 no.2 (February 2014) 285-286, accessed November 16, 2016, Ebscohost.

<sup>97</sup> World Without Genocide, "Darfur Genocide," *World Without Genocide: At Mitchell Hamline School of Law*, last modified 2013, accessed November 18, 2016, <http://worldwithoutgenocide.org/genocides-and-conflicts/darfur-genocide>.

reads well in theory, previous genocides have proven that violence for justice is only successful when there are sufficient troops and equipment.

The international relations between Sudan and the Western world have been affected to the point of minimal chance of reconciliation. President Omar Al-Bashir is still acting as head of government in Sudan, all while being convicted of genocide. The genocide charge he is facing is the mass murder of the Fur, Zaghawa, and Masalit communities.<sup>98</sup> In the Western world, we like to think that the world would take action and force a government official with these crimes against out of office, when in reality we cannot do anything. While Al-Bashir and other officials have denied all accusations, diplomats and heads of states in Western countries have stopped meeting with the Sudanese government.<sup>99</sup> This halt in international relations make it impossible for Sudan to get rid of its debt, as well as stopping any possibility of Sudan becoming a peaceful country.

In Western countries, people are used to being informed about the world through multiple sources of media. It tells people exactly what is happening, or the version they want to hear, in certain areas of the world. The media surrounding Darfur has been sub-par at best. With Darfur being such a recent conflict, many people alive today should be able to talk about the genocide with at least minimal information and opinion. That is not the case, however, as the majority of Western people either have never heard of or know too little about the conflict to discuss it.

Media coverage of international topics often takes a specific bias. The media wants people to consume their material, and therefore will talk about the stories that people want to hear. Sources can add biased perceptions of the conflict in ways that the public is not be able to identify.<sup>100</sup> Likewise, certain locations also hold a bias to them in Western media. African countries are often written about regarding race, poverty, and general unrest. In the Darfur genocide, ethnic identities are immediately used because of the genocide's ethnic base, as well as to make the media coverage more interesting to western readers. Often, Africa is depicted in the news as desolate land thwarted by ethnic

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<sup>98</sup> Copnall, James, "Darfur Conflict: Sudan's Bloody Stalemate," *BBC News*, last modified September 3, 2005, accessed October 16, 2016, <http://www.bbc.com/news/world-africa-22336600>.

<sup>99</sup> Ibid

<sup>100</sup> Kothari, Ammina, "A Study of the *New York Times* Coverage of the Darfur, Sudan Conflict, July 2003-July 2006," 211, MA Thesis, University of Oregon, June 2008.



conflicts, while the U.S and the West are described as “aid givers.”<sup>101</sup> This hero status given to the West tells people receiving the news that the conflict will be over soon and that the international community is doing the best they can to solve the conflict, when in fact, the conflict is far from over and many international countries have stopped helping or getting involved.

There is a dehumanising process to this way of media coverage. By labelling the West as the heroes, how severe the Darfur genocide is at risk of being down-played through the media’s bias. A hole forms when that bias is too strong, at the expense of the facts. The West has adopted a tendency that in order to expose people to these conflicts, they must do a large, fun event to raise money, and spread awareness. In September 2006, Senator Romeo Dallaire and Justin Trudeau created a benefit concert in order to help “stop” the conflict in Darfur.<sup>102</sup> In order for these events to be successful, prior to the concerts information needs to be spread about the Darfur genocide and its most basic facts in order to have people attending who want to help and understand what is happening around them.

The media coverage in Darfur severely lacks needed information when it is released to the public. Most of the western population relies on the media for news about what is happening in the international community. By failing to talk about Darfur, an ongoing conflict, media is failing western citizens. In order to stop this, readers need to be aware of the bias in which these articles are written in, find facts for themselves through primary sources, NGOs, International media, and humanitarian organization which will help to provide clearer information, and hold Western media accountable.

The Darfur context demonstrates that media constraints and western centric ideals lead the public to neglect ongoing genocides. Though the Darfur genocide is recognized internationally and within the political and humanitarian communities there is little understanding and reaction from the public. Yet, this is still an ongoing genocide that is being ignored by millions and still killing hundreds of thousands non-Arab Darfurians. While the international community is stalled in bring this genocide to an end the Media

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<sup>101</sup> Ibid

<sup>102</sup> Canadian News Wire, “Media Advisory- Senator Romeo Dallaire, Bedouin Soundclash, and Justin Trudeau Headline Major Rally for Darfur in Toronto Sunday,” *Canadian News Wire*, Last modified July 1, 2010, accessed October 16, 2016.

needs to provide the public with pertinent information in order to keep the world informed and engaged with this conflict.

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*Chapter 5*

*The Case of East Timor/Timor-Leste: Unfinished Truth, Unfinished Justice*

*November 21<sup>st</sup>, 2016*

In 1999, East Timor/Timor-Leste was the last nation-state to emerge during the particularly violent twentieth century after a quarter century delay from the original decolonization process begun by Portugal in 1974 -75 during the height of the Cold War. At that time, East Timor/Timor-Leste was prevented from peaceably joining the international community of nations by an Indonesian military invasion, violent occupation, and intentional implementation of a genocidal regime. First, this essay will argue that the Indonesian regime did, in fact, commit genocide in East Timor in at least three and possibly four separate and distinct ways. Second, this essay will also examine the Commission for Reception, Truth and Reconciliation (CAVR) in East Timor and the Serious Crimes Panels in the District Court of Dili (East Timor) to argue that the victims of genocide in East Timor/Timor-Leste were not able to attain sufficient justice and that the Commission for Truth and Friendship (CTF), which Indonesia and Timor-Leste created bilaterally in 2005, was fundamentally flawed in that it offered too much friendship and not enough truth or justice.

In 1974, young military officers took part in a pro-democracy coup d'état, dubbed the 'Carnation Revolution', against the hard-line Salazar-Caetano dictatorship in Portugal. Committed to a quick process of decolonization, in 1975 the new Portuguese government recognized East Timor's right to self-determination. The Portuguese coup d'état and its rapid imperial retreat came as a surprise to a number of interested parties such as regional powers Australia and Malaysia, global powers such as the United States, and, much more importantly, neighbouring power, Indonesia.<sup>103</sup> A number of East Timor political parties emerged to fill that gap which resulted in a brief civil war. After the brief civil war, the East Timorese Front for Independence (FRETILIN) emerged with a clear victory.<sup>104</sup> Indonesia's increasingly aggressive intentions towards the East Timorese became clear as Indonesian soldiers brazenly attacked the East Timor town of Balibo on 16 October 1975 where they not only indiscriminately murdered East Timorese but they also murdered five, later six, Western journalists based in Australia who had been there to

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<sup>103</sup> John G. Taylor, *East Timor: The Price of Freedom*, (London; New York: Zed Books Ltd., 1999), 25-6.

<sup>104</sup> Derrick Silove, "Conflict in East Timor: Genocide or Expansionist Occupation?" *Human Rights Review* 1.3 (2000), 64.

report on the crisis.<sup>105</sup> Despite these atrocities, on 28 November 1975, FRETILIN declared that the former colony of East Timor was now the Democratic Republic of East Timor and sought recognition of its new status from other nations.<sup>106</sup> Whereas Indonesia's intelligence services had sought to sabotage the new burgeoning independence movement in East Timor through fostering internal conflict within East Timor, this new political development meant that the Indonesian military forces would be used to intervene and invade East Timor.

The Indonesian invasion in 1975 was characterized as being particularly savage as there was systematic killing, gratuitous violence, and extensive looting and plundering of the East Timorese population immediately after Indonesian troops landed in East Timor. Many men from Dili were brought to the wharf, shot, and their bodies dropped in the ocean, anyone suspected of being associated with or being a sympathizer of FRETILIN was summarily executed on the spot along with their entire family, in the villages of Remexio and Aileu the entire populace over the age of three was summarily shot, and most of the movable property, such as cars, tractors, radios, furniture, and windows were stolen and placed aboard Indonesian ships in Dili harbour as legitimate spoils of war.<sup>107</sup> Whenever the Indonesian military forces would enter an area, they deliberately separated all able-bodied men and boys from other villagers for the purpose of summary execution in order to prevent any of them from becoming a potential resistance fighter. A woman named 'Eloise' from the village of Villa Verde recalled how Indonesian soldiers machine-gunned almost all of the village's able-bodied men and boys such that her sister had lost her husband and son to the murders.<sup>108</sup> East Timor's Chinese population was singled out for killing as five hundred Chinese in Dili were murdered on the first day of the attack and the entire Chinese populations in towns, such as Maubara and Luiquica, were killed en masse by Indonesian soldiers.<sup>109</sup> Many Chinese in East Timor owned businesses and formed a significant part of the merchant class, such as 'Leong', who

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<sup>105</sup> Stephen McCloskey, "Introduction: East Timor – From European to Third World Colonialism", in *The East Timor Question: The Struggle for Independence from Indonesia*, eds. Paul Hainsworth and Stephen McCloskey, (I.B. Tauris & Co. Ltd., 2000), 4.

<sup>106</sup> McCloskey, 3.

<sup>107</sup> Taylor, 68-70.

<sup>108</sup> 'Eloise', "Only the Dogs are Alive There", in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 107.

<sup>109</sup> Taylor, 69-70.

often loaned money to the Timorese,<sup>110</sup> 'Tsam', whose family owned a coffee business,<sup>111</sup> and the Siongs, who owned shops in Dili,<sup>112</sup> such that the deliberate targeting of East Timor Chinese for slaughter may have been an attempt to replace an entire ethnic and economic class. Of East Timor's pre-invasion twenty thousand ethnic Chinese community, a huge percentage were murdered by Indonesian soldiers and, while some Chinese fled the island for other countries, the surviving East Timor Chinese community numbered a few thousand by 1985.<sup>113</sup> By the definition in the United Nations Genocide Convention, the deliberate targeting of these two specific groups constitutes cases of genocide.

Despite the initial military campaign of genocide and terror conducted by Indonesian military forces, FRETILIN resistance remained strong in the interior of the island thereby prolonging the struggle. Indonesian military intensified their pacification campaign by destroying entire villages, relocating their population into strategic camps, using chemical weapons such as napalm, and continuing to commit atrocities by executing hundreds of East Timorese in areas such as Suai and Zumalai.<sup>114</sup> Anywhere between sixty and a hundred thousand East Timorese were killed in the first two months of the Indonesian invasion with the majority being civilian casualties.<sup>115</sup> In order to break the East Timorese resistance, the Indonesian military launched a new campaign in 1977 with two objectives, encirclement and annihilation, designed to conquer the island once and for all. Through saturation bombardment from air and naval forces, chemical spraying to destroy forests, crops, and livestock, and mass transportation of the terrified population to new strategically located and military controlled resettlement camps.<sup>116</sup> As many as 300,000 East Timorese were eventually living in these camps.<sup>117</sup> These camps

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<sup>110</sup> 'Leong', "Indonesian Soldiers were in Charge", in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 97.

<sup>111</sup> 'Tsam', "Tied Hands and Feet", in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 100.

<sup>112</sup> 'Mr. and Mrs. Siong' "They Count Us and Count the Bullets", in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 102.

<sup>113</sup> Taylor, 164.

<sup>114</sup> Taylor, 71.

<sup>115</sup> Ben Kiernan, "War, Genocide, and Resistance in East Timor, 1975-99: Comparative Reflections on Cambodia", in *War and State Terrorism: The United States, Japan, and the Asia-Pacific in the Long Twentieth Century*, ed. Mark Selden and Alvin Y. So, (Lanham, MD: Rowman & Littlefield, 2003), 211.

<sup>116</sup> Taylor, 85 & 88.

<sup>117</sup> Taylor, 88.

served the purpose of the Indonesianization of the East Timorese people and culture through the disruption and often violent repression of their traditional way of life. Then, East Timorese culture was replaced by Indonesian songs and dances, an Indonesian school system with the language of instruction being Bahasa Indonesia, and the fact that the only history that was taught in class was Indonesian history.<sup>118</sup> All expressions of East Timorese culture were banned with any attempts by East Timorese to “embrace, encourage, or express” their own culture was often met with summary execution or arrest, torture, and indefinite imprisonment.<sup>119</sup> The East Timorese were separated from their connection to the land and subjected to a state of utter dependency in that artificial environment of the camps. All the horrible side-effects of unrelenting warfare were inflicted upon the East Timorese; epidemics and disease, famine and starvation, and high infant mortality rates.<sup>120</sup> Through various demographic assessments, Ben Kiernan suggests that the total East Timorese death toll with its high initial death toll and recurrent killings and massacres is a quarter of the population, or somewhere between 150,000 and 200,000.<sup>121</sup> It is a sobering even staggering number. The attempt by Indonesia to eradicate East Timor culture through enforced cultural assimilation into Indonesian culture in these resettlement camps constitutes genocide under the definition in the United Nation Genocide Convention.

The invasion and occupation was not just about systematic killings but also systematic rape of East Timorese girls and women. Beginning with the invasion force landing in Dili, two young Chinese Timorese cousins, ‘Ruby’ and ‘Olinda’, recounted how the Indonesian soldiers looked and asked everywhere for single girls for the purpose of marriage but their uncle, who had been forced to act as an interpreter for the Indonesian military, later told them how he had witnessed Indonesian soldiers raping

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<sup>118</sup> “East Timor Genocide: Causes”, in *Modern Genocide: The Definitive Resource and Document Collection, Volume 2: Darfur Genocide, East Timor Genocide, Guatemalan Genocide, and Herero Genocide*, eds. Paul R. Bartrop and Steven Leonard Jacobs, (Santa Barbara, CA: ABC-CLIO, 2015), 765.

<sup>119</sup> “East Timor Genocide: Causes”, in *Modern Genocide: The Definitive Resource and Document Collection, Volume 2: Darfur Genocide, East Timor Genocide, Guatemalan Genocide, and Herero Genocide*, eds. Paul R. Bartrop and Steven Leonard Jacobs, (Santa Barbara, CA: ABC-CLIO, 2015), 765.

<sup>120</sup> Taylor, 92-4.

<sup>121</sup> Ben Kiernan, “The Demography of Genocide in Southeast Asia: The Death Tolls in Cambodia, 1975-79, and East Timor, 1975-80”, *Critical Asian Studies* 35.4 (2203), 593-4.



Timorese women.<sup>122</sup> East Timor women and girls were regularly targeted for sexual assault and violent rape by Indonesian soldiers. The fear and terror that Indonesian soldiers inflicted upon the East Timorese was clear as ‘Eloise’ recounted how her husband was increasingly worried about their niece because of the predatory conduct of Indonesian soldiers such that they bought them off by giving them old family valuables, such as an big wall clock.<sup>123</sup> A woman named ‘Edhina’ told how, although most East Timorese women and girls were targets, there was a preference for girls who were part Timorese and part Portuguese as they were especially coerced or forced by Indonesian soldiers to become their personal sexual slaves.<sup>124</sup> Rape became so common that it can be considered a constitutive component of the Indonesian military occupation of East Timor. When the particular soldier left East Timor, they then abandoned the girl who was left virtually destitute with the children resulting from these forced sexual enslavements meaning that, as ‘Edhina’ states, Timor was “full of them.”<sup>125</sup> As East Timorese culture and society was largely traditional with a growing percentage professing the Roman Catholic faith, contraception and abortion were not options available for many women making for an horrific situation where women were forced to raise children produced from often violent rapes and sexual assaults against them. ‘Edhina’ also recounted other violent yet somewhat unexpected acts of rape such as how her nephew’s eight month pregnant wife who lost her baby when she had been raped by an Indonesian soldier and that there were time when the soldier raped the wife in front of the husband.<sup>126</sup> Although systematic rape was added to the genocide protocol much later, if it could be applied retroactively then it could be considered another case of genocide in the case of East Timor. In this way, some degree of justice and historical redress could be achieved for these East Timorese comfort women and the children produced from these violent sexual encounters.

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<sup>122</sup> ‘Ruby’ and ‘Olinda’, “Look Dirty So Soldiers Don’t Want To Touch”, in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 146.

<sup>123</sup> ‘Eloise’, “Only the Dogs are Alive There”, in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 108.

<sup>124</sup> ‘Edhina’, “People and Animals Ran”, in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 110-111.

<sup>125</sup> ‘Edhina’, “People and Animals Ran”, in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 110-111.

<sup>126</sup> ‘Edhina’, “People and Animals Ran”, in Michelle Turner, *Telling: East Timor, Personal Testimonies 1942-1992*, (New South Wales University Press Ltd., 1992), 111.

The Indonesian military occupation and genocidal regime continued for another twenty-five years but the renewed violence in East Timor caused international awareness and condemnation of Indonesia's genocidal regime of chaos, terror, and death. Following the death of Indonesian dictator Suharto and intense international pressure, Indonesia relented to a proposed referendum on independence in East Timor in September 1999. Following an overwhelming pro-independence vote, the Indonesian military and militia gangs went on a systematic killing spree massacring thousands of East Timorese,<sup>127</sup> destroyed a majority of the infrastructure, homes, and buildings,<sup>128</sup> and forcibly deported 250,000 people to Indonesia.<sup>129</sup> As Ben Kiernan noted, Indonesian military and militia conducted what he termed a genocidal counter-insurgency designed to liquidate, eliminate, and cleanse East Timor of any and all pro-independence leaders and supporters as the referendum approached in August 1999.<sup>130</sup> Tragically, Indonesian involvement ended in 1999 as it began in 1975 in an orgy of intentional and genocidal destruction, devastation, and death. Through a United Nations brokered and monitored process, the former Portuguese and Indonesian colony became on 20 May 2002 the newest independent international nation, the Democratic Republic of Timor-Leste, which had the distinction to be the last to emerge out of the particularly violent twentieth-century pattern of decolonization and the first to emerge in the twenty-first century. The focus then shifted to the matter of finding justice, truth, and, perhaps, reconciliation for the victims of the genocide.

The United Nations authorized peace-restoration force, Intervention Force for East Timor (INTERFET), stationed in East Timor arrested a number of militia members

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<sup>127</sup> Commission for Reception, Truth and Reconciliation (CAVR), "Part 8: Responsibility and Accountability," CAVR Final Report, published online in: National Security Archive Electronic Briefing Book No. 176, ed. Brad Simpson, 24 January 2006  
<[http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB176/CAVR\\_responsibility.pdf](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB176/CAVR_responsibility.pdf)> (15 October 2016), 48-49

<sup>128</sup> Commission for Reception, Truth and Reconciliation (CAVR), "Part 8: Responsibility and Accountability," CAVR Final Report, published online in: National Security Archive Electronic Briefing Book No. 176, ed. Brad Simpson, 24 January 2006  
<[http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB176/CAVR\\_responsibility.pdf](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB176/CAVR_responsibility.pdf)> (15 October 2016), 49.

<sup>129</sup> Joseph Nevins, "The Making of Ground Zero in East Timor in 1999: An Analysis of International Complicity in Indonesia's Crimes," *Asian Survey* 42.4 (2002), 623.

<sup>130</sup> Ben Kiernan, "War, Genocide, and Resistance in East Timor, 1975-99: Comparative Reflections on Cambodia", in *War and State Terrorism: The United States, Japan, and the Asia-Pacific in the Long Twentieth Century*, ed. Mark Selden and Alvin Y. So, (Lanham, MD: Rowman & Littlefield, 2003), 225.

who had engaged in genocidal acts. While United Nations commissions recommended the creation of a tribunal modelled on those set up for the former Yugoslavia and for Rwanda, this was not politically feasible so, in 2000, the United Nations Transitional Administration for East Timor (UNTAET) set up special panels or tribunals in the Dili District Court to try those accused of war crimes, crimes against humanity, and genocide.<sup>131</sup> For its part, the Indonesian military refused to turn over wanted suspects, failed to conduct its own trials, and rejected the report proposing the establishment of the East Timor tribunal.<sup>132</sup> These special panels lasted from 2000 to 2006, held 55 trials involving 88 accused suspects involving suspected crimes committed between 1976 and 1999. One of these cases was that of accused genocidaire, Joseph Nahak, who was arrested on 15 March 2002, tried at the special panel in the Dili District Court, and was released after Judge Rapoza found him to be not mentally competent and therefore unfit to stand trial.<sup>133</sup> Despite stalling to set up domestic trials for accused war criminals, Indonesia established a special human rights court in 2002 in which 18 mostly junior officers were charged for crimes committed in 1999 but the government “made very little prosecutorial effort” such that only one officer was convicted while the other defendants were all acquitted.<sup>134</sup> The Indonesian government has since ignored recommendations for war crimes prosecutions from the Indonesian human rights commission, indictments of senior Indonesian military leaders issued by the East Timor Serious Crime Unit, and only gave light five to seven year sentences for recent murders of United Nations peacekeepers by Indonesian military soldiers.<sup>135</sup> Some have viewed these special panels as indicative of the misrepresentation of the nature of the genocidal violence inflicted on East Timor for a quarter century as the relatively few legal indictments against the “big fish” command and control perpetrators of a quarter century of genocide has helped “perpetuate a culture of impunity” among Indonesian military officials, various, national

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<sup>131</sup> Ian Freckelton, QC and Magda Karagiannakis, “Fitness to Stand Trial Under International Criminal Law: The Ramifications of a Landmark East Timor Decision”, *Psychiatry, Psychology and Law* 21.3 (2014), 322.

<sup>132</sup> James Rae, “War Crimes Accountability: Justice and Reconciliation in Cambodia and East Timor?” *Global Change, Peace & Security* 15:2 (2003), 174.

<sup>133</sup> Freckelton, QC and Karagiannakis, 328.

<sup>134</sup> Rae, 174.

<sup>135</sup> Rae, 174.

governments, and international bodies.<sup>136</sup> According to Joseph Nevins, the special panels in the Dili district court's legal focus on a narrow conception of violence effectively means that East Timor "has paid, and will continue to pay, a very high price for the resulting impunity barring significant changes on the international scale and within powerful countries complicit with Indonesia's invasion and occupation."<sup>137</sup> As with geopolitical considerations during the Cold War, the United States global war on terrorism once again shifted the priority to Indonesia as a regional ally thus mitigating any international will to achieve a comprehensive accounting of the genocide itself.

Even the establishment of the Commission of Truth and Friendship in Indonesia and Timor-Leste (CTF) has suffered from fundamental flaws in its terms of reference (TOR) in that they were created behind closed doors, had minimal consultation, and no expert involvement suggesting that it was merely a mechanism to improve bilateral diplomatic relationships rather than making a serious contribution to truth-telling or reconciliation.<sup>138</sup> Among the major flaws are that there is poor representation of witnesses because so few victims have testified,<sup>139</sup> the lack of any effective mechanism for inducing witnesses to tell the truth,<sup>140</sup> the lack of witness protection and the use of closed hearings,<sup>141</sup> poor legal training and division among the Commissioners,<sup>142</sup> and the failure of the hearings to empower the victims.<sup>143</sup> According to Megan Hirst, a program associate with the International Center for Transitional Justice (ICTJ) in Timor-Leste, the process is so fundamentally flawed that she termed it a case of "too much friendship, too little truth."<sup>144</sup> Even though the people of East Timor/Timor-Leste are finally free, the nation has greatly suffered as a result of a quarter century of genocide. It is a terrible and

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<sup>136</sup> Joseph Nevins, "(Mis)representing East Timor's Past: Structural Symbolic Violence, International Law, and the Institutionalization of Injustice," *Journal of Human Rights* 1:4 (2002), 534-5.

<sup>137</sup> Nevins, 535.

<sup>138</sup> Megan Hirst, "Too Much Friendship, Too Little Truth: Monitoring Report on the Commission of Truth and Friendship in Indonesia and Timor-Leste," International Center for Transitional Justice (ICTJ): Occasional Paper Series, (January 2008), 37. Internet; Accessed 15 October 2016. Available at <https://www.ictj.org/publication/too-much-friendship-too-little-truth-monitoring-report-commission-truth-and-friendship>

<sup>139</sup> Hirst, 24.

<sup>140</sup> Hirst, 27.

<sup>141</sup> Hirst, 30-1.

<sup>142</sup> Hirst, 29.

<sup>143</sup> Hirst, 32.

<sup>144</sup> Hirst, 1.

unnecessary price that they had to pay. To make matters worse, the victims of genocide in East Timor/Timor-Leste were not able to attain sufficient justice and that the Commission for Truth and Friendship, which Indonesia and Timor-Leste created bilaterally in 2005, was fundamentally flawed in that it offered too much friendship and not enough truth telling to promote genuine justice, peace, and reconciliation.

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## Chapter 6

### *The Dirty War and Argentina: Culture of Impunity and Femicide*

This essay on the Argentinian genocide of 1976 argues that what happened in Argentina was a “politically motivated genocide that made no attempt to hide its goals behind the nineteenth-century concept of race so did not need to waste time and resources persecuting ethnic minorities”. Between 1976 and 1983, over 30,000 young Argentinians were forcibly made to “disappear”, either through exile or murder, in order to stamp out a perceived “Marxist menace”. Additionally, the author of this essay argues that the Argentinian genocide promoted a “culture of impunity”, and “within this culture ... the marginalization of women and femicide ... have been rooted into the Argentinian society’s context because of The Dirty War.” Within Argentina, the lack of a judicial process following the genocide has created a socio-political situation where police violence, corruption, and inequality have become aspects of “normal, everyday ... life.” The author of the paper argues that the situation within Argentina has severely damaged the quality of life of three generations of Argentinean citizens; the parents of those who were forced to disappear, those who were the victims, and the children of said victims. Life in a state where crime is legitimized only serves to further disadvantage Argentinean citizens.

The author argues that one of the greatest effects of the culture of impunity within Argentina is the prevalence of gendered violence. This argument is per the definition of femicide, “the killing of women, girls, babies and those unborn who have been picked out for death only because of their female gender.” The rate of femicide within Argentina is on the rise, in 2011 282 deaths were registered as femicide related fatalities, stemming from premeditated murder and domestic abuse with Buenos Aires, Argentina’s capital city. Per the author, girls between the ages of 15 and 34 are at the greatest risk of being targeted and murdered solely for being female. In the context of the Dirty War, over 30% of the registered deaths were women; pregnant women were often kept alive within the death camps until they had given birth. In conclusion, per the author, “during the “Dirty War” the government imbedded policies of militarized, systematic violence making it inevitable that violence will also be imbedded in Argentina’s social context.”

*Wednesday, December 3rd, 2014*

Argentina’s “Dirty War” began in 1975 and lasted until mid-1978. The Argentinean military government launched a coup and implemented a Process of National Reorganization under the validation of a Doctrine of National Security. Tactics under the Doctrine of National Security were in resistance of revolutionary insurrection

waged by “subversive terrorists”<sup>145</sup>. In addition, The Argentina Government’s justification for spreading terror was that the “Doctrine of National Security” would make it impossible for the guerrilla groups to gain support”<sup>146</sup>. *Operation Independence*, led by General Acdel Vilas, was a campaign against the ERP (Ejército Revolucionario del Pueblo or the People’s Revolutionary Army) in the Argentinian province of Tucumán beginning in December 1974<sup>147</sup>. The People’s Revolutionary Army was a Trotskyist guerrilla group and by 1974 occupied a third of the mountains in the northwestern province of Tucumán “in an attempt to copy the Cuban Revolution”<sup>148</sup>. Operation Independence was the first attempt in Argentina to implant genocidal social practices<sup>149</sup>. Under Vilas’ authority, the first Argentine concentration camp was established – the Escelita de Famaillá. The building was an education center before being “transformed into a clandestine detention center”<sup>150</sup>. Concentration Camps were set up in the Escuelita and in dozens of other locations in Tucumán in the years that followed<sup>151</sup>. Operation Independence in the province of Tucumán was essentially a “testing ground” for the development of genocidal practices that would be spread throughout Argentina after the military uprising on March 24<sup>th</sup>, 1976 against the government of Isabel Perón<sup>152</sup>. An estimated 30 000 young Argentinians disappeared between 1976 and 1983. Some historians have compared the Argentine military dictatorship to the Third Reich<sup>153</sup>. However, unlike the Nazi genocide, the Dirty War was a “politically motivated genocide that made no attempt to hide its goals behind the nineteenth-century concept of race so did not need to waste time and resources persecuting ethnic minorities”<sup>154</sup>. The

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<sup>145</sup> Goldman, Francisco. 2013. *Children of the “Dirty War”: Argentina’s Stolen Orphan*. Global Research. <http://www.globalresearch.ca/children-of-the-dirty-war-argentinias-stolen-orphans/5327877> (accessed December 2<sup>nd</sup>, 2014).

<sup>146</sup> Arditti 1999, *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina* (Los Angeles: University of California Press), 14

<sup>147</sup> Feierstein, Daniel and Douglas Andrew Town. 2014. *Genocide as a Social Practice: Reorganizing Society under the Nazis and Military Juntas*. Piscataway: Rutgers University Press, 61

<sup>148</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 132

<sup>149</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 61-62

<sup>150</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 134

<sup>151</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 134

<sup>152</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 134

<sup>153</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 1

<sup>154</sup> Feierstein, Daniel. 2014. *Genocide as a Social Practice*, 50



disappeared were arrested, taken to prison camps, tortured and killed<sup>155</sup>. The “Dirty War” and the Doctrine of National Security was essentially a war the government declared on its own people and to “obliterate the Marxist ‘menace’”<sup>156</sup>. With the government imbedding policies of militarized, systematic violence, it is inevitable that violence will also be imbedded in Argentina’s social context. The following essay will argue that The Dirty War created a culture of impunity that is still present in Argentina today. Within this culture of impunity, the marginalization of women and femicide are ongoing issues that have been rooted into the Argentinian society’s context as a result of The Dirty War.

“Under the banner of ‘pacification’ and ‘reconciliation,’ a culture of impunity has flourished in Argentina”<sup>157</sup>. The military dictatorship’s unpunished crimes have created a country with police violence, lack of an independent judicial system, and endemic governmental corruption, “as normal, everyday aspects of life”<sup>158</sup>. The violence that took place during the Dirty War has damaged three generations of Argentinians: parents of the individuals that have disappeared, the individuals that have disappeared, and the children of the disappeared<sup>159</sup>. Furthermore, “the long-term effects of growing up in an atmosphere that legitimizes crime and denies reality are likely to harm the mental and spiritual well-being of future Argentinians”<sup>160</sup>. For Argentina to allow the nation’s biggest crimes to go unpunished is an example of Argentina’s failure of being a functioning state<sup>161</sup>. The Grandmothers of Plaza de Mayo are a group of women in Argentina that for twenty years have worked to find their disappeared grandchildren and “to achieve a measure of justice in their country for more than twenty years”<sup>162</sup>. This group meets every Thursday at 3:30 and march in protest of the lack of moral leadership during and after the Dirty War<sup>163</sup>.

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<sup>155</sup> Lloyd-Roberts, Sue. 2013. *Argentine Grandmothers Determined to find 'Stolen' Babies*. BBC News. <http://www.bbc.com/news/world-22004491> (accessed December 2<sup>nd</sup>, 2014)

<sup>156</sup> Arditti, Rita. 1999. *Searching for Life*, 12

<sup>157</sup> Arditti Rita. 1999. *Searching for Life*, 160

<sup>158</sup> Arditti, Rita. 1999. *Searching for Life*, 160

<sup>159</sup> Arditti Rita. 1999. *Searching for Life*, 160

<sup>160</sup> Arditti, Rita. 1999. *Searching for Life*, 160

<sup>161</sup> Sax, David. 2013. *Culture of Impunity: Waiting for Justice in Argentina*. The New York Times. [http://www.nytimes.com/2003/07/18/opinion/18iht-edsax\\_ed3\\_.html](http://www.nytimes.com/2003/07/18/opinion/18iht-edsax_ed3_.html) (accessed December 2<sup>nd</sup>, 2014)

<sup>162</sup> Arditti Rita. 1999. *Searching for Life*, 1

<sup>163</sup> Arditti Rita. 1999. *Searching for Life*, 2

One outcome of the culture of impunity in Argentina is gender violence. The definition of femicide outlines: “the killing of women, girls, babies and those unborn who have been picked out for death only because of their female gender”<sup>164</sup>. Argentina is not alone in Latin America in femicide or gender related crimes, ranking fourth behind Mexico, Guatemala and Costa Rica<sup>165</sup>. Little protection and support is given to victims and their families as the issue of femicide continues to increase<sup>166</sup>. “La Casa del Encuentro” a women’s advocacy association is one of the few organizations currently working on the issue and collecting information from and through media sources<sup>167</sup>. Unfortunately, it is suspected that many cases remain unreported with a death toll that may be much higher. According to data provided by “La Casa del Encuentro”, based out of Argentina’s capital city of Buenos Aires, during 2011 a total of 282 deaths have occurred relating to femicide. The report was written based on information from regional news agencies, Télam and DyN, as well as efforts to monitor 120 cases through national newspapers and local reports”<sup>168</sup>. Between January 1<sup>st</sup>, 2011 and June 30<sup>th</sup>, 2011, a total of 151 females were victims to crimes of femicide. Among the 151 during this time period of half a year, “58 were killed by their spouse, partner or boyfriend. 27 were killed by an ex-partner. Parent or step-parents were responsible for 7 of the crimes out of the 58, while other family members were responsible in 13 cases. The document records 32 femicide in which the murderer had no apparent link to the victim, but showed a clear motive to kill based on the victim’s female gender”<sup>169</sup>. Early studies have shown that women’s death’s at the hands of their partners was after many years of violence. However, more recent studies show women being murdered by boyfriends and lovers that they have only been in a relationship with for a few years or months. “International studies have confirmed that women aged 15 – 34 years old are the ones in the greatest danger”<sup>170</sup>. Argentina has been unable to carry an “official” register of victims in order to

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<sup>164</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>165</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>166</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>167</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>168</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

Women News Network. <http://womennewsnetwork.net/2012/04/06/argentina-statistics-femicide/> (accessed December 2<sup>nd</sup>, 2014).

<sup>169</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>170</sup> Fernández, Ana Maria. 2012. Gender Violence: Femicide in Argentina. *Interdisciplinary Journal of Family Studies*, no. 17 (2012), 42-47

develop protective laws and policies. Numbers of femicide continue to rise with 231 deaths in 2009, 260 in 2010, and 282 in 2011<sup>171</sup>. The latest survey revealed that 119 women died during the first semester of 2012 as a result of femicide in the country<sup>172</sup>. It is important to note that this does not include the victims linked to femicide such as the 346 children who were left motherless in 2011<sup>173</sup>.

Approximately 30% of the disappeared during the “Dirty War” were women<sup>174</sup>. The pregnant prisoners were typically kept alive until they gave birth. “Sometimes the mothers were able to nurse their newborns, at least sporadically, for a few days, or even weeks, before the babies were taken from them and the mothers were “transferred”—sent to their deaths, in the Dirty War’s notorious nomenclature”<sup>175</sup>. Many pregnant women were subjected to torture. A system was invented that a spoon was submerged into a women’s vagina and given a shock to the fetus<sup>176</sup>. Often this would result in a miscarriage and times when a miscarriage would not occur, doctors would perform cesarean sections to speed up the births. The women were killed following their child’s birth<sup>177</sup>. In addition, many newborn babies were given away to families who were part of the repressive regime, and hundreds of children have grown up with false identities and histories<sup>178</sup>.

Argentina signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on July 17<sup>th</sup>, 1980 and the convention was ratified July 15<sup>th</sup>, 1985. CEDAW is the only human rights treaty “which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations”<sup>179</sup>. Parties that agree to the legally binding convention also agree to take appropriate measures against all forms of traffic in women and exploitation of women. The Convention “affirms women's rights to acquire, change

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<sup>171</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>172</sup> Vega, Soledad. 2013. *Women’s Rights: An Unfinished Business*. The Argentina Independent. <http://www.argentinaindependent.com/socialissues/development/womens-rights-an-unfinished-business/>(accessed December 2<sup>nd</sup>, 2014)

<sup>173</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

<sup>174</sup> Goldman, Francisco. 2013. *Children of the “Dirty War”*

<sup>175</sup> Goldman, Francisco. 2013. *Children of the “Dirty War”*

<sup>176</sup> Arditti, Rita. 1999. *Searching for Life*, 22

<sup>177</sup> Arditti, Rita. 1999. *Searching for Life*, 24

<sup>178</sup> Arditti Rita. 1999. *Searching for Life*, 2

<sup>179</sup> Rivera de La Fuente, Vanessa. 2011. *Argentina Brings Cruel Statistics to the Practice of Femicide*.

or retain their nationality and the nationality of their children. States also agree to take appropriate measures against all forms of traffic in women and exploitation of women”<sup>180</sup>. Although Argentina did sign CEDAW, human rights violations in regards to reproductive rights have continued to occur. Human Rights Watch published a 53-page report in 2010 titled "Illusions of Care: Lack of Accountability for Reproductive Rights in Argentina". The report states that there are many obstacles facing women in getting reproductive health care in which they are entitled to “such as contraception, voluntary sterilization procedures, and abortion after rape”<sup>181</sup>. Barriers women face include long delays in providing services, unnecessary referrals to other clinics, demands for spousal permission contrary to law, financial barriers, and in some cases women receive denial of care<sup>182</sup>. Jose Miguel Vivanco, Latin America’s director at Human Rights Watch states that “women need dependable care throughout their productive lives”. In addition, he states "...but in Argentina, it's more like a lottery: you might be lucky enough to get decent care but you are more likely to be stuck with deficient - or even abusive - services”<sup>183</sup>. In Argentina, 40% of pregnancies end in abortions which are performed in unsafe conditions which has been the leading cause of maternal mortality in the country for decades<sup>184</sup>. Argentina’s reproductive health policies also ignore key constituencies such as the rights of women and girls with disabilities. Argentina ratified the Convention on the Rights of Persons with Disabilities on September 2<sup>nd</sup>, 2010 but has failed to uphold specific international obligations<sup>185</sup>. With Argentina having a primarily Catholic population, “orthodox Catholic discourse on “family values” have historically underpinned some of the most anti-contraception and pro-population- growth policies in the region”<sup>186</sup>. In addition, the lack of effectiveness from the Argentinean judicial system has created a lack of trust in Argentina. As political scientist Atilio H. Borón states: “The

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<sup>180</sup> The United Nations 2013. *Committee on the Elimination of Discrimination against Women*.

<http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx> (accessed December 2<sup>nd</sup>, 2014).

<sup>181</sup> The Huffington Post. 2010. “Argentina: Guarantee Women’s Access to Health Care”. *The Huffington Post*. [http://www.huffingtonpost.com/human-rights-watch/argentina-guarantee-women\\_b\\_677119.html](http://www.huffingtonpost.com/human-rights-watch/argentina-guarantee-women_b_677119.html) (accessed December 2<sup>nd</sup>, 2014).

<sup>182</sup> The Huffington Post 2010. “Argentina: Guarantee Women’s Access to Health Care”

<sup>183</sup> The Huffington Post 2010. “Argentina: Guarantee Women’s Access to Health Care”

<sup>184</sup> The Huffington Post 2010. “Argentina: Guarantee Women’s Access to Health Care”

<sup>185</sup> The Huffington Post 2010. “Argentina: Guarantee Women’s Access to Health Care”

<sup>186</sup> Human Rights Watch 2010. *Illusions of Care: Lack of Accountability for Reproductive Rights in Argentina*. New York: Human Rights Watch, 13

judicial system is in shambles. Only those with money and resources can make some use of it”<sup>187</sup>.

Argentina is not the only place where a prior war has created a country where violence against women is a current issue. Since the Democratic Republic of Congo (DRC) achieved independence from Belgium in 1960, the country has been plagued with violence and is acknowledged as “the rape capital of the world”<sup>188</sup>. Much of the violence that takes place in the Congo today is a result of the Rwandan genocide in 1994. When the Rwandan genocide ended and the Tutsis took control of the government, Rwandan Hutu militias known as the *Interahamwe* fled into the Congo and continued their attacks against Rwanda<sup>189</sup>. The Rwandan Patriotic Army two years later entered the Congo to attempt to eliminate the Hutu militias. At the same time, the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire supported by Uganda and Rwanda and under the leadership of Laurent Kabila entered the country to attempt to remove Dictator Mobutu Sese Seko from power. Mobutu fled the country in 1997 after years of conflict and failed peace talks. Laurent Kabila then became president of the DRC. One year later Kabila cut ties with Rwandan supporters which began the country’s second civil war. When Kabila was assassinated in 2001, his son Joseph rose to power and revised a number of his father’s policies and ratified some of his own, which have been considered “thoughtless and ineffective”<sup>190</sup>. In that year, the United Nations launched a peacekeeping mission into the country – The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Negotiations began known as the Inter-Congolese Dialogue. As a result of these talks, nations that were involved in the conflict, Angola, Namibia, and Zimbabwe left the DRC. However, many armed forces associated with the Rwandan genocide remained in the Congo. As Human Rights Watch reported, the Rassemblement congolais pour la démocratie, a group many consider to be a proxy of the Rwandan government, and the Rwandan army still occupy large parts of eastern Congo. Despite an effort to establish peace in the Congo, fighting still wages on

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<sup>187</sup> Arditti Rita. 1999. *Searching for Life*, 162

<sup>188</sup> Brown, Carly, 2012. “Rape as a Weapon of War in the Democratic Republic of the Congo” *TORTURE. Volume 22, Number 1 (2012)*, 24-37, 24

<sup>189</sup> Brown, Carly, 2012. *Rape as a Weapon of War in the Democratic Republic of the Congo*, 25

<sup>190</sup> Brown, Carly, 2012. *Rape as a Weapon of War in the Democratic Republic of the Congo* 25

especially from rebel group led by General Nukunda who claims his goal is to protect the Tutsi ethnic group in the Congo from Hutu extremists. As war in the DRC wages on, resources in the Congo such as diamonds, gold, coltan, and cassiterite, enables the militias to continue fighting<sup>191</sup>. In “The Trouble With Congo,” an article published in Foreign Affairs, Autesserre writes about how resources in the DRC has fueled the involvement of the many different ethnic militias in the conflict, and how the conflict has been able to persist. There are many other factors identified that have established rape culture in the DRC such as poverty and a patriarchy society, but the underlining similarity between the Congo and Argentina is the establishment of gender violence stemming from war within the country<sup>192</sup>. In

conclusion, it is important to consider the history of a country when discussing human rights violations, as evident in Argentina and the case study of the Democratic Republic of the Congo. A historic analysis addresses the root of the violations occurring today. During the “Dirty War” the government imbedded policies of militarized, systematic violence making it inevitable that violence will also be imbedded in Argentina’s social context. The crimes that occurred during the “Dirty War” can certainly be traced to modern day issues in correlation to reproductive rights and the judicial system, impunity and of course femicide.

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<sup>191</sup> Brown, Carly, 2012, *Rape as a Weapon of War in the Democratic Republic of the Congo*, 25

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## Chapter 7

### *Holodomor: The Forgotten Genocide*

*This essay focuses on the status of the Holodomor as a “forgotten genocide”. The author argues that the Soviet induced “hunger-plague” was largely covered up by the Soviet Union and went unnoticed by the international community until the fall of the USSR in 1991. When Joseph Stalin introduced programs of widespread industrialization and agricultural collectivization it upset the kulak class, who were landowning farmers and herders who opposed were viewed as Stalin as nonconforming traitors. Increases in quotas and the implementation of Stalin’s strict Five Year Plans upset the agricultural sector, thereby leading to widespread famines and the interning and execution of members of the kulak class. The author argues that Stalin had premeditated plans to ostracize and eliminate ethnic Ukrainians, hoping to repopulate the Ukraine with ethnic Russians who would be susceptible to his policies. Stalin himself stated that “we have the opportunity to carry out a resolute offensive against the kulaks, break their resistance, eliminate them as a class and replace their production with the production of kolkhozes*



*and sovkhoses (collective farms).” The author continues on to argue that the Western community did not pick up on the Holodomor crisis out of indifference, and that the United States wished to maintain healthy relations with the Soviet Union in the midst of the Great Depression. Greater attention was given to the Holodomor famine with the creation of the International Commission of Inquiry into the 1932-33 Famine in Ukraine (1984) and the United States Commission on the Ukraine Famine (1985). In 2006, the Ukrainian Parliament passed a decree labelling the Holodomor as an act of genocide, thereby giving it the status of an internationally recognized act of genocide. Conclusively, the author states that the Russian Federation continues to downplay the reality of whether the Holodomor genocide happened, but that twelve nations have now confirmed that it did.*

*December 4th, 2014*

This essay will argue that the events known as Holodomor were in fact part of genocide perpetrated by the Soviet Kremlin against the Ukrainian people. “In Ukrainian, the literal definition of the word ‘Holodomor’ is ‘death by forced starvation.’”<sup>193</sup> The hunger-plague devastated the Ukrainian people during the 1930’s, but went largely ignored on the international stage until the collapse of the Soviet Union in 1991. The events of Holodomor began as early as 1928, when Josef Stalin introduced agricultural collectivisation to the Soviet Union.<sup>194</sup> Josef Stalin’s plan for Soviet industrialization required a massive increase in agricultural production, and kurkuls (kulaks in Russian) who resisted this program were targeted by Soviets, and were either executed or deported to concentration camps in the far reaches of Siberia.<sup>195</sup> Beginning in 1930, Ukrainian farmers became subjected to ever increasing quotas; a part of Stalin’s Five Year Plan for industrialization for the Soviet Union. The increase on quotas of agricultural production ensured that Soviet industrialization would continue, and ethnic opposition to Bolshevism would be eliminated.<sup>196</sup> The opening of sealed Soviet records has revealed the careful

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<sup>193</sup>“Holodomor: Facts and History,” Ukrainian ‘Holodomor,’ Accessed November 3, 2014.  
<http://www.holodomorct.org/history.html>. <sup>[1]</sup><sub>SEP</sub>

<sup>194</sup> “Holodomor: Facts and History,” Ukrainian ‘Holodomor,’

<sup>195</sup> “The Ukrainian Genocide.” The Ukrainian Genocide. Accessed November 7, 2014.  
[http://www.faminegenocide.com/kuryliw/the\\_ukrainian\\_genocide.htm](http://www.faminegenocide.com/kuryliw/the_ukrainian_genocide.htm).

<sup>196</sup> R. W. Davies, *The Economic Transformation of the Soviet Union*, New York: Cambridge University Press, 1994, 95.

planning and organization undertaken to ostracize the Ukrainian people from the Russian people, in order to eliminate the Ukrainian people and repopulate their homeland with ethnic Russians. In *Genocide: A Comprehensive Introduction*, Adam Jones places the events of Holodomor upon 'a backdrop of persecution, mass execution, and incarceration clearly aimed at undermining the Ukrainians as a national group.'<sup>197</sup> Genocide of mass proportions was perpetrated by the Red Army, on behalf of the Kremlin, upon Ukrainians living within Soviet Ukraine in the early years of Stalin's industrialization of Russia.

Josef Stalin assumed control of the Soviet Union in 1924, shortly after the death of the beloved Bolshevik leader Vladimir Lenin. Prior to his death, Lenin had become aware of Stalin's excessive ambitions for power and his brutal character. In what would later become known as *Lenin's Testament*, Lenin went so far as to recommend Stalin's dismissal from his position as General Secretary of the Russian Communist Party's Central Committee.<sup>198</sup> Josef Stalin was made aware of the contents of *Lenin's Testament*, and at the 12<sup>th</sup> Party Congress in April 1923 he used his influence within the Soviet Union's Central Committee to ensure that Lenin's documentation was not made public.<sup>199</sup> Leon Trotsky, founder and leader of the Red Army, had a friendship with Lenin that went beyond politics, which is where the relationship between Stalin and Lenin began and ended. Lenin admired Trotsky, and in his last testament he made his clear that Trotsky was 'perhaps the most capable man in the present Central Committee.'<sup>200</sup> Stalin envied the relationship Trotsky had with Lenin, as it increased the likelihood that Lenin would name Trotsky his successor upon his death. When Vladimir Lenin died on January 21<sup>st</sup>, 1924, Stalin again moved to consolidate his power. During the Thirteenth Party Congress in May, 1924 Stalin again used his influence to ensure that *Lenin's Testament* was not made public. Instead, the testament was read aloud to members of provincial delegations. Trotsky should have seized this opportunity to demand the dismissal of Stalin from the Communist Party, but he did

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<sup>197</sup> Adam Jones, "Stalin and Genocide," In *Genocide: A Comprehensive Introduction*, London: Routledge, 2006, 135-137.<sup>[1]</sup><sup>[2]</sup><sup>[3]</sup><sup>[4]</sup><sup>[5]</sup><sup>[6]</sup><sup>[7]</sup><sup>[8]</sup><sup>[9]</sup><sup>[10]</sup><sup>[11]</sup><sup>[12]</sup><sup>[13]</sup><sup>[14]</sup><sup>[15]</sup><sup>[16]</sup><sup>[17]</sup><sup>[18]</sup><sup>[19]</sup><sup>[20]</sup><sup>[21]</sup><sup>[22]</sup><sup>[23]</sup><sup>[24]</sup><sup>[25]</sup><sup>[26]</sup><sup>[27]</sup><sup>[28]</sup><sup>[29]</sup><sup>[30]</sup><sup>[31]</sup><sup>[32]</sup><sup>[33]</sup><sup>[34]</sup><sup>[35]</sup><sup>[36]</sup><sup>[37]</sup><sup>[38]</sup><sup>[39]</sup><sup>[40]</sup><sup>[41]</sup><sup>[42]</sup><sup>[43]</sup><sup>[44]</sup><sup>[45]</sup><sup>[46]</sup><sup>[47]</sup><sup>[48]</sup><sup>[49]</sup><sup>[50]</sup><sup>[51]</sup><sup>[52]</sup><sup>[53]</sup><sup>[54]</sup><sup>[55]</sup><sup>[56]</sup><sup>[57]</sup><sup>[58]</sup><sup>[59]</sup><sup>[60]</sup><sup>[61]</sup><sup>[62]</sup><sup>[63]</sup><sup>[64]</sup><sup>[65]</sup><sup>[66]</sup><sup>[67]</sup><sup>[68]</sup><sup>[69]</sup><sup>[70]</sup><sup>[71]</sup><sup>[72]</sup><sup>[73]</sup><sup>[74]</sup><sup>[75]</sup><sup>[76]</sup><sup>[77]</sup><sup>[78]</sup><sup>[79]</sup><sup>[80]</sup><sup>[81]</sup><sup>[82]</sup><sup>[83]</sup><sup>[84]</sup><sup>[85]</sup><sup>[86]</sup><sup>[87]</sup><sup>[88]</sup><sup>[89]</sup><sup>[90]</sup><sup>[91]</sup><sup>[92]</sup><sup>[93]</sup><sup>[94]</sup><sup>[95]</sup><sup>[96]</sup><sup>[97]</sup><sup>[98]</sup><sup>[99]</sup><sup>[100]</sup><sup>[101]</sup><sup>[102]</sup><sup>[103]</sup><sup>[104]</sup><sup>[105]</sup><sup>[106]</sup><sup>[107]</sup><sup>[108]</sup><sup>[109]</sup><sup>[110]</sup><sup>[111]</sup><sup>[112]</sup><sup>[113]</sup><sup>[114]</sup><sup>[115]</sup><sup>[116]</sup><sup>[117]</sup><sup>[118]</sup><sup>[119]</sup><sup>[120]</sup><sup>[121]</sup><sup>[122]</sup><sup>[123]</sup><sup>[124]</sup><sup>[125]</sup><sup>[126]</sup><sup>[127]</sup><sup>[128]</sup><sup>[129]</sup><sup>[130]</sup><sup>[131]</sup><sup>[132]</sup><sup>[133]</sup><sup>[134]</sup><sup>[135]</sup><sup>[136]</sup><sup>[137]</sup><sup>[138]</sup><sup>[139]</sup><sup>[140]</sup><sup>[141]</sup><sup>[142]</sup><sup>[143]</sup><sup>[144]</sup><sup>[145]</sup><sup>[146]</sup><sup>[147]</sup><sup>[148]</sup><sup>[149]</sup><sup>[150]</sup><sup>[151]</sup><sup>[152]</sup><sup>[153]</sup><sup>[154]</sup><sup>[155]</sup><sup>[156]</sup><sup>[157]</sup><sup>[158]</sup><sup>[159]</sup><sup>[160]</sup><sup>[161]</sup><sup>[162]</sup><sup>[163]</sup><sup>[164]</sup><sup>[165]</sup><sup>[166]</sup><sup>[167]</sup><sup>[168]</sup><sup>[169]</sup><sup>[170]</sup><sup>[171]</sup><sup>[172]</sup><sup>[173]</sup><sup>[174]</sup><sup>[175]</sup><sup>[176]</sup><sup>[177]</sup><sup>[178]</sup><sup>[179]</sup><sup>[180]</sup><sup>[181]</sup><sup>[182]</sup><sup>[183]</sup><sup>[184]</sup><sup>[185]</sup><sup>[186]</sup><sup>[187]</sup><sup>[188]</sup><sup>[189]</sup><sup>[190]</sup><sup>[191]</sup><sup>[192]</sup><sup>[193]</sup><sup>[194]</sup><sup>[195]</sup><sup>[196]</sup><sup>[197]</sup><sup>[198]</sup><sup>[199]</sup><sup>[200]</sup><sup>[201]</sup><sup>[202]</sup><sup>[203]</sup><sup>[204]</sup><sup>[205]</sup><sup>[206]</sup><sup>[207]</sup><sup>[208]</sup><sup>[209]</sup><sup>[210]</sup><sup>[211]</sup><sup>[212]</sup><sup>[213]</sup><sup>[214]</sup><sup>[215]</sup><sup>[216]</sup><sup>[217]</sup><sup>[218]</sup><sup>[219]</sup><sup>[220]</sup><sup>[221]</sup><sup>[222]</sup><sup>[223]</sup><sup>[224]</sup><sup>[225]</sup><sup>[226]</sup><sup>[227]</sup><sup>[228]</sup><sup>[229]</sup><sup>[230]</sup><sup>[231]</sup><sup>[232]</sup><sup>[233]</sup><sup>[234]</sup><sup>[235]</sup><sup>[236]</sup><sup>[237]</sup><sup>[238]</sup><sup>[239]</sup><sup>[240]</sup><sup>[241]</sup><sup>[242]</sup><sup>[243]</sup><sup>[244]</sup><sup>[245]</sup><sup>[246]</sup><sup>[247]</sup><sup>[248]</sup><sup>[249]</sup><sup>[250]</sup><sup>[251]</sup><sup>[252]</sup><sup>[253]</sup><sup>[254]</sup><sup>[255]</sup><sup>[256]</sup><sup>[257]</sup><sup>[258]</sup><sup>[259]</sup><sup>[260]</sup><sup>[261]</sup><sup>[262]</sup><sup>[263]</sup><sup>[264]</sup><sup>[265]</sup><sup>[266]</sup><sup>[267]</sup><sup>[268]</sup><sup>[269]</sup><sup>[270]</sup><sup>[271]</sup><sup>[272]</sup><sup>[273]</sup><sup>[274]</sup><sup>[275]</sup><sup>[276]</sup><sup>[277]</sup><sup>[278]</sup><sup>[279]</sup><sup>[280]</sup><sup>[281]</sup><sup>[282]</sup><sup>[283]</sup><sup>[284]</sup><sup>[285]</sup><sup>[286]</sup><sup>[287]</sup><sup>[288]</sup><sup>[289]</sup><sup>[290]</sup><sup>[291]</sup><sup>[292]</sup><sup>[293]</sup><sup>[294]</sup><sup>[295]</sup><sup>[296]</sup><sup>[297]</sup><sup>[298]</sup><sup>[299]</sup><sup>[300]</sup><sup>[301]</sup><sup>[302]</sup><sup>[303]</sup><sup>[304]</sup><sup>[305]</sup><sup>[306]</sup><sup>[307]</sup><sup>[308]</sup><sup>[309]</sup><sup>[310]</sup><sup>[311]</sup><sup>[312]</sup><sup>[313]</sup><sup>[314]</sup><sup>[315]</sup><sup>[316]</sup><sup>[317]</sup><sup>[318]</sup><sup>[319]</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not want to appear divisive in the wake of Lenin's death.<sup>201</sup> As a friend to Lenin, Trotsky understood how important the Communist Party was to him, and tearing the party apart would have destroyed everything Lenin and the Bolsheviks had worked to achieve. Josef Stalin's reign of terror could have been stopped before it began, but Trotsky reacted in a human manner, while Stalin was incapable of such a thing.

The Fourteenth Congress of the Communist Party occurred from December 18-31<sup>st</sup>, 1925, resulting in the election of the fourteenth Central Committee.<sup>202</sup> This congress would become known in history as an industrial conference, a result of the Communist Party's introduction of a plan to industrialize, and transform the Soviet Union "from a country importing machines and equipment to a country producing them."<sup>203</sup> Josef Stalin would also openly turn on Lev Kamenev and Gregory Zinoviev during the congress. These two Bolsheviks had aided Stalin in preventing the publication of *Lenin's Testament*. Kamenev and Zinoviev's short-term troika with Stalin was due to their common hatred for Leon Trotsky, and throughout 1924 the trio worked to marginalize Leon Trotsky within the Communist Party. On January 6<sup>th</sup>, 1925 poor health and a rapidly deteriorating reputation led Trotsky to resign as People's Commissar of Army and Fleet Affairs and Chairman of the Revolutionary Military Council.<sup>204</sup> Stalin's betrayal of Kamenev and Zinoviev resulted in both men forming a United Opposition with Trotsky, which Stalin promptly crushed and forced each man to submit to him. Stalin continued to consolidate his power within the Communist Party, gaining increasing control over all functions of the Soviet Union. In late 1927 Stalin expelled Zinoviev, and later Kamenev from the Party. With all major opposition to Stalin now expelled from the Party, General Secretary of the Central Committee of the Communist Party of the Soviet Union Stalin cemented his domination of

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<sup>201</sup> Robert Service, *Stalin: A Biography*, 223.

<sup>202</sup> "The 14th Congress, "Industrial Congress", of the All-Union Communist Party of Bolsheviks Opened," Boris Yeltsin Presidential Library. Accessed November 6, 2014, <http://www.prlib.ru/en-us/History/Pages/Item.aspx?itemid=359>. <sup>[1]</sup><sub>SEP</sub>

<sup>203</sup> "The 14th Congress, "Industrial Congress", of the All-Union Communist Party of Bolsheviks Opened," Boris Yeltsin Presidential Library.

<sup>204</sup> Andrew Rothstein, "The Resignation of Trotsky," *Weekly Worker*, 23<sup>rd</sup> January, 1925, Accessed November 8, 2014, <https://www.marxists.org/archive/rothstein-andrew/1925/01/23.htm>

the Politburo,<sup>205</sup> and was now able to rapidly increase agricultural collectivization to bolster industrialization of the Soviet Union.<sup>206</sup>

The Five Year Plan called for the creation of collective farms to greatly increase the agricultural production of the Soviet Union, enabling the country to feed its urban workers and export surplus grain to support its industrialization.<sup>207</sup> The people most affected by agricultural collectivization were the kulaks, a class of wealthy farmers in Ukraine, where they are known as kurkuls. In most cases, these farmers were in fact not wealthy, but were labelled so because they owned more land or livestock than their neighbours.<sup>208</sup> Government officials targeted those labelled as kurkuls, and forced them to move to collective farms; this adhered to Soviet policy. Stalin opposed Soviet policy on the kurkuls, and violently so. In Robert Service's biography of Josef Stalin, the Soviet dictator is said to have stated:

“Now we have the opportunity to carry out a resolute offensive against the kulaks, break their resistance, eliminate them as a class and replaced their production with the production of kolkhozes and sovkhoses (collective farms).”<sup>209</sup>

Kurkuls who resisted the program of collectivization were murdered, others were sent to the gulags, while still more were deported to the far reaches of Siberia.<sup>210</sup><sup>211</sup> Peasants who remained in Soviet Ukraine faced extreme food shortages, and the population was stricken with widespread starvation. In 1932, grain production decreased by 32% from the previous year, and procurement of agricultural resources increased by 44%.<sup>212</sup> This ensured that the

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<sup>205</sup> Robert Service, *Stalin: A Biography*, 224.

<sup>206</sup> Merle Fainsod, *How Russia Is Ruled*, Revised ed. Cambridge, Mass.: Harvard University Press, 1970, 526.

<sup>207</sup> Peter Kenez, *A History of the Soviet Union from the Beginning to the End*, New York: Cambridge University Press, 1999.

<sup>208</sup> Robert Conquest, *Reflections on a Ravaged Century*, New York: W. W. Norton & Company, 2001, 94.

<sup>209</sup> Robert Service, *Stalin: A Biography*, 266.

<sup>210</sup> Robert Service, *Stalin: A Biography*, 266.

<sup>210</sup> Robert Conquest, *The Harvest of Sorrow: Soviet Collectivization and the Terror-Famine*, Oxford University Press, 1986.

<sup>211</sup> Robert Service, *Stalin: A Biography*, Cambridge, 267.

<sup>212</sup> R. W. Davies, *Soviet History in the Gorbachev Revolution*, London: Macmillan, 1989.

Ukrainian people would face increased food shortages, but instead of sending aid to Soviet Ukraine, Stalin worked to increase the devastation of the oncoming famine.

The Ukrainian famine of 1932-33 was premeditated by Josef Stalin, and carried out by agents of the Soviet Union. The famine oppressed the Ukrainian people by denying them the 'basic vital essentials,' and served to undermine the Ukrainians as a people.<sup>213</sup> In Ukraine, the famine is known as Holodomor, which translates into 'death by forced starvation.'<sup>214</sup> Holodomor is an amazing word, as it accurately captures both the events of the famine, and the sentiment felt by Ukrainians experiencing this genocide. Stalin had ordered the kurkuls 'to be liquidated as a class,'<sup>215</sup> and a famine ensured all would suffer slow, horrible deaths. The extermination of the Ukrainian people can be clearly identified as an act of genocide, and this ethnic cleansing was a personal goal of Josef Stalin. In January 1933, action was taken to close borders of Soviet Ukraine to prevent Ukrainians from fleeing to other soviet republics; peasants caught fleeing were killed on site, or forced to return to their village and starve.<sup>216</sup> In Soviet Ukraine, a passport system was implemented to prevent Ukrainians from travelling freely within the republic, thus ensuring peasants could not travel to find food or work. Some regions of the Ukrainian republic were placed under commercial blockades, which were guarded by the Red Army, and restricted the transport of food and other resources into starving regions.<sup>217</sup> Any food supplies that could be found in Soviet Ukraine were removed, and sold as surplus to foreign markets.

The Western World first became aware of Holodomor in March 1933, when Gareth Jones, a young Welsh journalist, reported on what he saw while visiting Soviet Ukraine. This was not Jones' first visit to the Ukraine; he had travelled there in 1930 while working

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<sup>213</sup> "Ukraine Famine," United Human Rights Council, Accessed November 4, 2014, [http://www.unitedhumanrights.org/genocide/ukraine\\_famine.htm](http://www.unitedhumanrights.org/genocide/ukraine_famine.htm).

<sup>214</sup> "Holodomor: Facts and History," Ukrainian 'Holodomor.'

<sup>215</sup> Aleksandr Isaevich, Edward E. Ericson, and Solzhenistyn, "Chapter 2: The Peasant Plague," In *The Gulag Archipelago, 1918-1956: An Experiment in Literary Investigation*, New York: Harper Perennial, 2007, 88.

<sup>216</sup> Timothy Snyder, *Bloodlands: Europe Between Hitler and Stalin*, New York: Basic Books, 2010, 46.

<sup>217</sup> Myron Koropas, Nicholas Mischenko, and James Mace, "The Ukrainian Genocide," Ukrainian Genocide Famine Foundation, Accessed December 2, 2014, <http://cis.uchicago.edu/sites/cis.uchicago.edu/files/resources/100113-ukraine-holodomor-curriculum.pdf>.

as a Foreign Affairs Advisor to David Lloyd George, and again in 1931 to accompany Jack Heinz II on his tour of the Soviet Union.<sup>218</sup> In 1930, Jones published his findings in a variety of newspapers once he had returned to Britain, but his findings did not include documentation on food shortages in Ukraine.<sup>219</sup> On Gareth Jones' journey to Soviet Ukraine in August 1931 he kept a well-detailed journal, which was published anonymously in early 1932 with the help Jack Heinz II (heir to the Heinz empire).<sup>220</sup> In his journal, Jones documented the struggles of Ukrainian peasants, and noted that increased agricultural collectivization had worsened conditions in rural Ukraine. In October 1932, Jones published a series of articles in *The Western Mail* titled: "Will There Be Soup?" which announced to the world that millions of Ukrainians faced starvation in the oncoming winter.<sup>221</sup> Gareth Jones travelled to Ukraine in March 1933, prepared to expose the Soviet Union's forced starvation of the Ukrainian people. On March 31<sup>st</sup>, 1933 Jones' article *Famine Rules Russia* was published in the London Evening Standard; his eyewitness accounts were chilling and conveyed the horrors in the Ukraine to an international audience.<sup>222</sup>

The Soviet Kremlin responded immediately, and denied reports of a famine in Soviet Ukraine. Surprisingly, Western media also refuted claims that peasants of the Ukraine were starving. On March 31<sup>st</sup>, Pulitzer Prize winning author Walter Duranty published a column in the New York Times titled: "*Russians Hungry but not Starving*," which refuted Gareth Jones' claims Ukrainians were being forced into starvation.<sup>223</sup> Sources for Duranty's article came from within the Kremlin, which provides evidence that the United States desired amicable relations with the Soviet Union during the Great Depression. Further evidence of the United States desire to improve relations with the Soviet Union came on November 16<sup>th</sup>, 1933, when President Franklin Roosevelt ended

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<sup>218</sup> "Famine Exposure," Gareth Jones Soviet Union Newspaper Articles 1930-33, [http://www.colley.co.uk/garethjones/soviet\\_articles/soviet\\_articles.htm](http://www.colley.co.uk/garethjones/soviet_articles/soviet_articles.htm) (accessed October 10, 2014).

<sup>219</sup> Gareth Jones, "The Snobbery of Soviet Russia," *The News Chronicle*, October 3, 1930,

<sup>220</sup> "Famine Exposure," Gareth Jones Soviet Union Newspaper Articles 1930-33,

<sup>221</sup> Gareth Jones, "Russia Dreads the Coming Winter," *The Western Mail*, 15<sup>th</sup> October 1932.

<sup>222</sup> Gareth Jones, "Famine Rules Russia," *London Evening Standard*, 31<sup>st</sup> March 1933.

<sup>223</sup> Walter Duranty, "Russians Hungry but Not Starving," *New York Times*, March 31, 1933.

sixteen years of non-recognition of the Soviet Union.<sup>224</sup> The United States, the only nation with the military and economic capacity to stand up to the Soviet Union, had recognised Stalin's government as being official. The United States government hoped to engage in lucrative trade agreements with the Soviet Union, agreements they did not want to risk losing by inserting themselves in the Soviet Union's internal affairs.<sup>225</sup> With the United States media praising the economic benefits of trade with the Soviet Union, and the people of the Western World consumed by the Great Depression, little more attention would be given to the suffering of Ukrainian people. Holodomor disappeared from the media, and less than a decade later, the terror of the famine was overshadowed by the onset of World War Two.

Holodomor remained largely ignored until the 1980's, when the International Commission of Inquiry into the 1932-33 Famine in Ukraine (1984)<sup>226</sup> and the United States Commission on the Ukraine Famine (1985)<sup>227</sup> both conducted studies on the forced starvation in Ukraine. These commissions were deemed a success, but little progress was made towards uncovering cause of the famine. This changed in 1991, when previously sealed documents were declassified after the collapse of the Soviet Union, shortly after Ukraine had gained independence. Some of the declassified documents revealed the Kremlin's organization and operation of the famine in Ukraine, and that the Soviet Union's increased agricultural collectivization had actually been an extension of a larger plan to liquidate Ukrainian kurkuls as a class.<sup>228</sup> The events of Holodomor were now validated by official government documents, which sparked a new era of academic debate about whether or not the events of Holodomor were in fact acts of genocide. Academic research on Holodomor since the collapse of the Soviet Union has proven much more fruitful in it's

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<sup>224</sup> "Recognition of the Soviet Union, 1933 - 1921-1936," Office of the Historian: U.S. Department of State, Accessed December 4, 2014, <http://history.state.gov/milestones/1921-1936/ussr>.

<sup>225</sup> "Recognition of the Soviet Union, 1933 - 1921-1936." Office of the Historian: U.S. Department of State.

<sup>226</sup> Jacob Sundberg, "International Commission of Inquiry into the 1932-33 Famine in Ukraine: Final Report," Famine-Genocide In the Ukraine 1932-33, January 1, 1990. Accessed December 4, 2014, <http://faminegenocide.com/resources/findings.html>.

<sup>227</sup> "U. S. Commission on the Ukraine Famine, Report to Congress," Washington: United States Government Printing Office, 1988.

<sup>228</sup> Isaevich, Ericson, and Solzhenistyn, "Chapter 2: The Peasant Plague," In *The Gulag Archipelago, 1918-1956: An Experiment in Literary Investigation*, 88.

findings. On November 28<sup>th</sup>, 2006, the Parliament of Ukraine passed a decree declaring Holodomor as a deliberate act of genocide.<sup>229</sup> Russia continues to deny claims that Holodomor was in fact genocide, but as of today twelve nations have elected to support Ukraine's decree,<sup>230</sup> and more nations are sure to follow.

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<sup>230</sup> Holodomor: Facts and History," Ukrainian 'Holodomor.'



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## *Chapter 8*

### *Motivations and Justifications of the Jewish Holocaust*

This paper begins with a brief account of the events of the Holocaust. In particular it raises questions around how it was possible for so many civilians and soldiers to be

convinced to commit genocide on such a massive scale. The paper seeks the answer to this by analyzing the various ways in which Jews were dehumanized by the Nazi propaganda machine. There is a significant section that tries to contextualize the desire for a racially homogenous state of Germany leading up to the Holocaust. The justification for this desire for a racially homogenous state is cited as eugenics and social Darwinism. The antiemitic Nazi propaganda blamed the Jews for problems within German society that ranged from the Treaty of Versailles to the depression that was being experienced in Germany at the time. This paper also discusses the attempt of the Nazi regime, at the behest of Joseph Goebbels, to portray Jews as vermin. The legislation utilized by the Nazis to further the denigration of the Jewish people is shown in order to illustrate that the persecution of the Jews was something that made its way into all areas of German society. The laws on Jews advanced to a place where, in 1938, it was legislated that all Jews must register with the German government. The paper's examination of the treatment of the Jews is rounded out with the examination of ghettoization that took place in 1940. There are several arguments for the motive and justification of the Holocaust. The paper discusses that it could have been that people are proven to follow orders even if they believe them to be immoral. Further, it is suggested that the Holocaust could have resulted from the dehumanization of the Jews which made some feel more comfortable with their extermination. The paper concludes by saying that there is not yet a consensus on how this horrible event came to pass or why it was seen as justifiable by so many.

*November 14<sup>th</sup>, 2013*

The Holocaust involved the deliberate and systematic murder of approximately six million Jews in Nazi-dominated Europe between 1941 and 1945. Although evidence of this brutal crime has been significantly recorded, it still remains on many levels an unfathomable mystery. No agreement remains among historians on certain central issues of the Holocaust. Hotly debated among academics is how it was possible for individuals of a supposedly civilized society to transform into mass murders. This essay will submit an answer to this question by analyzing the ways in which Jews were stripped of their humanity and individuality. These methods include Nazi propaganda, anti-Semitic laws enacted by the Nazis, and the process of Ghettoization. It will be argued that dehumanizing Jews allowed Nazi perpetrators to transform these fellow citizens into 'the other'. This growing distance between Jew and Gentile explains how the Nazi party was able to justify the killing of Jews on a mass scale and do so with virtually no protest from the rest of the population.

Before discussing the methods in which Jews were dehumanized by the Nazis, it is imperative to contextualize them with the desire for an ethnically homogeneous nation-state that was prevalent in Germany. Central to Nazi philosophy was the belief that the Aryan race was not only superior to the “lower” races, notably Jews, but was involved in a terminal struggle with them for survival of the fittest.<sup>231</sup> Hitler viewed German society as an organism with its own health. Individual human beings were regarded as functional or dysfunctional parts of this larger whole and thus affected the health of society.<sup>232</sup> Because of this, racial hygiene became fundamental to Hitler’s rationale. These ideas had evolved since the late 19<sup>th</sup> century from the related notions of eugenics and social Darwinism. Social Darwinism promoted the concept of survival of the fittest and eugenics supported that certain diseases such as mental illness, feeble-mindedness, criminality, and alcoholism are genetically determined.<sup>233</sup> It advocated the improvement of human genetic traits through increased reproduction of people with desired traits and reduced reproduction of people with less-desired traits.<sup>234</sup> In chapter XI of Hitler’s *Mein Kampf* he states that, “the result of all racial crossing is therefore in brief always the following: [the] lowering of the level of the higher race; [and the] physical and intellectual regression and hence the beginning of a slowly but surely progressing sickness”.<sup>235</sup> Inspired by these theories, German Darwinists argued that the extermination of inferior races was not only appropriate but unavoidable.<sup>236</sup>

One of the primary methods undertaken by the Nazi regime to distance Jew and Gentile was the publication of anti-Semitic propaganda. To Hitler, the Nazi party was a means of social transformation. In his view, the German people were too infected with Marxism, liberalism, Christianity, and Judaism for the party to appeal to the electorate with

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<sup>231</sup> Francois Hass. “German science and black racism – roots of the Nazi Holocaust.” *The FASEB Journal* Vol. 22 No. 2 (2008): 333. Accessed November 14, 2013. 10.1096/fj.080202ufm.

<sup>232</sup> Hass, “German science and black racism – roots of the Nazi Holocaust,” 332.

<sup>233</sup> Hass, “German science and black racism – roots of the Nazi Holocaust,” 332.

<sup>234</sup> Rowan Savage. “Disease Incarnate: Biopolitical Discourse and Genocidal Dehumanization in the Age of Modernity.” *Journal of Historical Sociology* Vol. 20 No. 3 (2007): 414. Accessed November 14, 2013. 10.1111/j.1467-6443.2007.00315.x.

<sup>235</sup> “Mein Kampf, Chapter XI: Nation and Race,” Accessed November 14, 2013, [http://www.hitler.org/writings/Mein\\_Kampf/mkv1ch11.html](http://www.hitler.org/writings/Mein_Kampf/mkv1ch11.html)

<sup>236</sup> Hass, “German science and black racism – roots of the Nazi Holocaust,” 333.

an open declaration of its ideological goals.<sup>237</sup> For this reason, the constant motif of Nazi electoral propaganda was not Hitler's philosophy of purification. The purpose of Nazism after the seizure of power, however, was to immerse the German population with its ideology.<sup>238</sup> As soon as they came to power, the Nazi party founded the Reich Ministry of Public Enlightenment and Propaganda.<sup>239</sup> This program was masterminded by Joseph Goebbels, the Propaganda Minister, who controlled all communications media such as radio, newspapers, posters, and television.<sup>240</sup> One of the main goals of Nazi propaganda was to dehumanize Jews. In other words, to convince others that Jews were sub-human. To achieve this goal, some Nazi propaganda attempted to demonize the Jews.<sup>241</sup> See A1 for further information. The Nazi party claimed that Jews were behind Germany's defeat in the First World War, blamed them for the economic collapse, the depression, and the treaty of Versailles and denounced them as the route of all evil.<sup>242</sup> It was argued that they were racially incapable of improvement. No matter how hard they attempted to integrate into German culture, the Jews were depicted as scheming, manipulative, and constantly plotting to take over economic control of the state.<sup>243</sup> Another method propaganda used to portray Jews as sub-human was to depict them as vermin. Metaphorical language was also used in propaganda which named Jews as diseases and disease organisms. See A2 for further information. By utilizing propaganda to dehumanize Jews and to render them as inhuman, the Nazi party successfully lengthened the distance between Jew and Gentile within German public opinion.

Legislation also proved an effective means for shutting Jews out of German society. The legal assault against the Jews can be divided roughly into three stages. The first stage, from 1933 to the middle of 1935, was characterized by laws that aimed to prevent Jews from participating in any part of German professional and cultural life.<sup>244</sup> On April 7 1933

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<sup>237</sup> Ronnie Landau, *The Nazi Holocaust* (Chicago: Ivan R. Dee, Inc., 1992), 105

<sup>238</sup> Ronnie Landau, *The Nazi Holocaust*, 105

<sup>239</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*. (New York: Oxford University Press, 1990), 56

<sup>240</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 56

<sup>241</sup> Ronnie Landau, *The Nazi Holocaust*, 59

<sup>242</sup> Ronnie Landau, *The Nazi Holocaust*, 59.

<sup>243</sup> Ronnie Landau, *The Nazi Holocaust*, 59.

<sup>244</sup> Ronnie Landau, *The Nazi Holocaust*, 123.

the Nazis introduced the Restoration of the Professional Civil Service Act. This act demanded the dismissal from Civil Service positions of 'non-Aryans' and opponents of the regime. It affected scientists, school and university teachers, and all government employees.<sup>245</sup> Another law was passed on the same day prohibiting 'non-Aryans' from practicing law.<sup>246</sup> During the following months additional laws were passed that prohibited 'non-Aryans' from practicing as doctors and dentists in state-run hospitals and institutions. As well, they were forbidden from judge, juror, tax consultant, publisher, and editor positions.<sup>247</sup> On April 25 1933 the Nazis imposed a form of cultural segregation on the Jews. The Law against the Overcrowding of German Schools and Institutions of Higher Learning restricted the number of 'non-Aryan' students admitted into German schools.<sup>248</sup> On May 10 1933 Joseph Goebbels had organized a public burning of 'un-German' literature.<sup>249</sup> Any book that was written or published by a Jew or any book that dealt sympathetically with a Jew or Jewish theme was to be burned.<sup>250</sup> On September 29 1933 the Reich Chamber of Culture was established.<sup>251</sup> This enabled the Nazi party to monitor all the cultural activities of the country. One of its main objectives was to ensure that 'non-Aryans' would be unable to participate in German artistic, literary and cultural life. Jews were forbidden to enter public swimming pools, to own dogs, to visit health spas, or to enter public parks.<sup>252</sup> Finally, on May 21 1935 the Defence Law was passed. This legislation deemed all 'non-Aryans' ineligible for military service.<sup>253</sup> This demoralized the number of Jews who continued to feel both patriotic and German.

The second phase of legal onslaught against the Jews started with the passing of the Nuremberg Laws in September 1935. While the first stage was comprised of immensely damaging and discriminatory legislation, the second stage demonstrated more clearly the racist objectives of the Nazi party.<sup>254</sup> These laws officially defined the Jews in purely racial

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<sup>245</sup> Ronnie Landau, *The Nazi Holocaust*, 125.

<sup>246</sup> Ronnie Landau, *The Nazi Holocaust*, 125.

<sup>247</sup> Ronnie Landau, *The Nazi Holocaust*, 125.

<sup>248</sup> Ronnie Landau, *The Nazi Holocaust*, 125.

<sup>249</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 65.

<sup>250</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 65.

<sup>251</sup> Ronnie Landau, *The Nazi Holocaust*, 126.

<sup>252</sup> Ronnie Landau, *The Nazi Holocaust*, 127.

<sup>253</sup> Ronnie Landau, *The Nazi Holocaust*, 127.

<sup>254</sup> Ronnie Landau, *The Nazi Holocaust*, 127.

terms, according to the number of Jewish grandparents they had.<sup>255</sup> The first law passed stripped Jews of their citizenship and the second prohibited marriage and sexual relations between Jews and those of 'German or related blood'.<sup>256</sup> As a result of the increased precision of the Jewish definition, Christians whose parents or grandparents were Jewish could now be considered as full Jews.<sup>257</sup> The Nuremberg laws institutionalized Nazi racism and formalized the continually growing distance between Jew and Gentile. They served as a base to eventually exclude Jews from society all together.

The third phase of legal aggression against the Jews began in April 1938. The Degree Concerning the Reporting of Jewish Property was declared.<sup>258</sup> This degree demanded all Jews to register the value of both their domestic and foreign property, property that would eventually be confiscated.<sup>259</sup> On August 17 1938 legislation was passed that forbade Jews to take 'Aryan' names. An extension to this law required all Jewish males to adopt the extra name of Israel and all Jewish females to adopt the extra name of Sarah.<sup>260</sup> This regulation also made it mandatory for all Jews throughout Nazi occupied Europe to wear armbands and badges that bore the Star of David.<sup>261</sup> These regulations made the identification of Jews easier. Furthermore, they stripped Jews of their individuality and formulated them into a homogeneous, faceless, and inferior group.

The final method utilized by the Nazi regime to separate Jews from society was the process of Ghettoization. Reinhard Heydrich, Head of the Reich Security Main Office and of the Security Police was assigned the role of devising a temporary method of dealing with the Jews in occupied Poland until a more permanent solution could be found.<sup>262</sup> He called for the organization, concentration, and Ghettoization of Jews. The first was established at Lodz in the spring of 1940 and the largest was established at Warsaw in the autumn of 1940.<sup>263</sup> The Jews had been successfully and systematically isolated. Any contact with other Jewish ghettos in Poland was restricted as well as contact with the

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<sup>255</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 65.

<sup>256</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 71.

<sup>257</sup> Ronnie Landau, *The Nazi Holocaust*, 127.

<sup>258</sup> Ronnie Landau, *The Nazi Holocaust*, 136.

<sup>259</sup> Ronnie Landau, *The Nazi Holocaust*, 136.

<sup>260</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945*, 106.

<sup>261</sup> Ronnie Landau, *The Nazi Holocaust*, 136.

<sup>262</sup> Ronnie Landau, *The Nazi Holocaust*, 152.

<sup>263</sup> Ronnie Landau, *The Nazi Holocaust*, 155.

various welfare organizations that had been set up by Jewish communities in the free world.<sup>264</sup> Inhuman conditions characterized the ghettos. Combinations of overcrowding, starvation, and outbreaks of typhus and cholera would reduce ghetto inhabitants through ‘natural wastage’.<sup>265</sup> If a Jew was caught attempting to escape they would be shot immediately.<sup>266</sup> Furthermore, any Jew between the ages of 14 and 60 were susceptible to forced labour.<sup>267</sup> Initially, the ghetto in Warsaw contained approximately 550,000 Jews. By the time of its destruction, only 45,000 remained alive.<sup>268</sup> The process of forcing Jews into an isolated and confined area characterized by inhuman living conditions is comparable to a farmer herding cattle destined for slaughter into a field. This animalization further solidified the distance that had now been established between Jew and human being.

By analyzing Nazi propaganda, anti-Semitic laws enacted by the Nazis, and the process of Ghettoization, it is clear that Nazi perpetrators succeeded in transforming Jews into a menacing and inferior ‘other’. This explains how the Nazi party was able to justify the killing of Jews on a mass scale and do so with virtually no protest from the rest of the population. In order for a state to attempt the extermination of a selected victim group they would have to be convinced that this group posed a mortal threat to the state itself. It is in this mentality that the Holocaust debatably bears closest resemblance to other genocides such as the Turkish onslaught against the Armenians.<sup>269</sup> As Landau states, the reasoning might go something like this:

If we do not destroy them, they will destroy us. Our action therefore is no ordinary one and cannot be limited by moral or legal constraints. On the contrary because “they” are the enemy, a veritable cancer threatening our very existence, our sanction to act, as we propose is absolute; our mission is “sacred”.<sup>270</sup>

Nazi propaganda demonized the Jews so successfully that genocide was elevated to a moral obligation. Additionally, since anti-Semitic laws and the process of Ghettoization further

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<sup>264</sup> Ronnie Landau, *The Nazi Holocaust*, 154.

<sup>265</sup> Ronnie Landau, *The Nazi Holocaust*, 155.

<sup>266</sup> Ronnie Landau, *The Nazi Holocaust*, 155.

<sup>267</sup> Ronnie Landau, *The Nazi Holocaust*, 155.

<sup>268</sup> Ronnie Landau, *The Nazi Holocaust*, 155.

<sup>269</sup> Ronnie Landau, *The Nazi Holocaust*, 19.

<sup>270</sup> Ronnie Landau, *The Nazi Holocaust*, 19.



dehumanized the Jews, those who murdered Jews did not view this act as comparable to an immoral and savage murder of innocent human beings. Instead, it was viewed as the extermination of vermin. Kristen Munroe suggests a concept of moral salience which suggests that the cognitive process of categorizing others as “friends” or “foe” creates the feeling of moral salience that requires action, not just generalized feelings of concern.<sup>271</sup> People who are “different” become devalued, dehumanized, and eventually killed because it is perceived as the right thing to do.<sup>272</sup> Heinrich Himmler’s speech at Posen offers a prime example to this logic. He states,

We have the moral right, we had the duty to our people to do it, to kill this people who would kill us...we do not wish to be infected by that bacillus in the end and die...altogether we can say we have carried out this most difficult task for the love of our people...we have suffered no defeat within us, in our soul, or in our character.<sup>273</sup>

It is clear that Himmler viewed the extermination of Jews as necessary for the survival of Germany. It is also clear that Himmler did not view the killing of Jews as savage murder, as to him they were nothing more than disease. Therefore, in Himmler’s eyes, the moral character of the Germans remained intact, and the killing of Jews justified.

The debate surrounding how it was possible for the population of a supposedly civilized society to transform into mass murderers is one that remains prominent among scholars today. The debate between Daniel Goldhagen and Christopher Browning has been particularly publicized. Supporting the propositions of this paper, Goldhagen argues that German anti-Semitic beliefs about the Jews were the central cause and justification of the Holocaust. He concludes that anti-Semitism is what moved many thousands of ‘ordinary’

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<sup>271</sup> Kristen Munroe. “Cracking the Code of Genocide: The Moral Psychology of Rescuers, Bystanders, and Nazis during the Holocaust.” *Political Psychology* Vol. 29 No. 5 (2008): 704. Accessed November 14, 2013. 10.1111/j.1467-9221.2008.00661.x

<sup>272</sup> Munroe, “Cracking the Code of Genocide: The Moral Psychology of Rescuers, Bystanders, and Nazis during the Holocaust,” 704

<sup>273</sup> “Himmler’s October 4, 1943 Posen Speech.” Accessed November 14, 2013. <http://www.nizkor.org/hweb/people/h/himmler-heinrich/posen/oct-0443/ausrottungtranslnizkor.html>.

Germans to slaughter Jews.<sup>274</sup> It was not economic hardship, not the coercive means of a totalitarian state, and not invariable psychological propensities. It was in fact anti-Semitism that had been pervasive in Germany for decades that persuaded ordinary Germans to slaughter innocent and defenseless Jewish men, women, and children without pity.<sup>275</sup> They truly believed that this was the right thing to do. While Goldhagen's thesis directly corresponds to the central argument of this paper, it is beneficial as well to consider Browning's argument. Browning concluded that the ordinary men who killed Jews were not anti-Semitic fiends. They were in fact ordinary men who killed out of basic obedience to authority. Browning constantly refers to the Milgram experiment, concluding that ordinary people are likely to follow orders, even if they find them immoral, if they perceive these orders to have originated from authority.<sup>276</sup>

This essay analyzes the methods undertaken to dehumanize the Jews such as Nazi propaganda, anti-Semitic laws enacted by the Nazis, and the process of Ghettoization. In doing so, it submits that it was the growing distance between Jew and Gentile that explains how the Nazi party was able to justify the killing of Jews on a mass scale and do so with virtually no protest from the rest of the population. This demonization and dehumanization not only elevated the killing of Jews to a moral duty, but also removed guilt from killers who viewed the extermination of Jews not as savage murder, but as the permanent removal of vermin. This thesis holds substantial historiographical importance. It sheds light on factors that motivate and justify genocide. It allows us to consider the conditions which allowed ordinary men to transform into mass murderers. It is valuable to consider how such an unthinkable act of violence is and has been achievable by perpetrators who seem not too different from ourselves. It is important to note, however, that as with all areas of history, no consensus has been reached by historians on this issue. The debate between Goldhagen and Browning is a prime example. Historians will continue to search for historical "truths".

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<sup>274</sup> Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997), 164.

<sup>275</sup> Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*, 164.

<sup>276</sup> Browning, Christopher. *Ordinary Men: Reserve Police Battalion 101 and the final solution in Poland*. New York: Harper Perennial, 1993.

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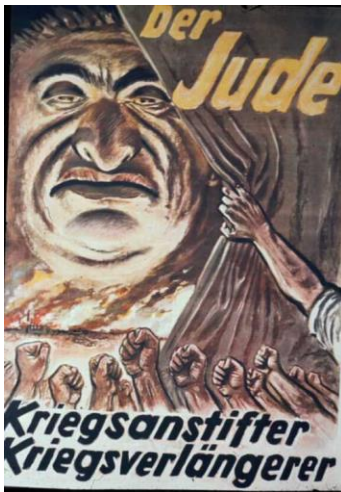
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## Appendix A

### Anti-Semitic Nazi Propaganda Posters

A1: This poster is an example of the attempt of Nazi propaganda to demonize the Jews. It reads "The Jew: The inciter of war, the prolonger of war." It is from 1943 or 1944, during the height of the Holocaust.

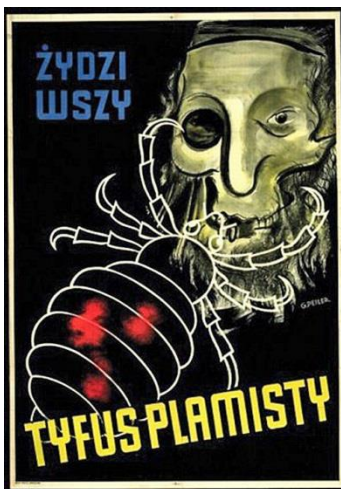


Atlanta's Jewish Heritage and Holocaust Museum. "Nazi Anti-Semitic Propaganda."

Accessed November 14, 2013.

<http://www.thebreman.org/exhibitions/online/1000kids/propaganda.html>.

A2: This poster is an example of the attempt of Nazi propaganda to both portray Jews as vermin and as disease organisms. The caption reads, "Jews are lice; They cause typhus".



Palestine Poster Project. "Żydzi Wszy: Tyfus Plamisty." Accessed November 14, 2013

<http://www.palestineposterproject.org/poster/%C5%BCydzi-wszy-tyfus-plamisty>

## Chapter 9

### *Inheritance: The Intergenerational Effects of the Holocaust on the Second Generation*

*December 17th 2013*

There is a plethora of research available which documents the experiences of the children of Holocaust survivors, sometimes referred to as the second generation. The persecution experienced by many survivors was unparalleled in its horror, and "...it may be impossible for any person ever to resolve a trauma like that of the Holocaust, in particular when it involves the extermination of parents and other close relatives under such dark and atrocious circumstances"<sup>277</sup>. As more survivors began sharing their stories,

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<sup>277</sup> Sarit Alkalay, Karin Grossmann, Klaus E. Grossmann, Nina Koren-Karie, Tirtsia Joels, Abraham Sagi-Schwartz, Miri Scharf, and Marinus van IJzendoorn " Attachment and Traumatic Stress in Female Holocaust Child Survivors and Their Daughters," *The American Journal of Psychiatry*, No. 6 (2003), 1086–1092.

<sup>2</sup> J Lansen, "The Second Generation: Dutch Examinations and Professional Care ," *Bulliten of the Jerusalem Center for Research Into the Late Effects of the Holocaust: Echoes of the Holocaust*, no. 2 (1993), 47-59

and parents instilled in their children the need to bear witness to the atrocities that had taken place, their children opened up about their experiences and others began to take notice. The children of survivors were born into families trying to cope, in their own ways, with the past. While no two families are exactly alike, reports published have brought light to the shared experiences of the second generation. Factors such as parent's openness to discuss the Holocaust had a direct impact on their children, as did the family's location immediately following the war.<sup>2</sup> The once thriving Hasidic communities of Eastern Europe experienced profound social and religious readjustment. In their immigration to North American and Israel many Hasidim attempted to recreate their former lifestyles in Eastern Europe, struggling to raise their children in the aftermath of the horrors of the Holocaust.<sup>3</sup> Unique from their peers in the diaspora, the children of survivors living in the State of Israel have experienced the intergenerational impacts differently.<sup>4</sup>

The experiences of the children of survivors begin with those of their parents. For those who survived the Holocaust as children, there are several factors that determine how their experiences are passed on. Denial, or hiding, of one's Jewish identity or heritage depended largely on their immediate location following World War II.<sup>5</sup> <sup>286</sup> Where they are currently living is irrelevant, even if they are not at risk for persecution or anti-Semitism in their current country of residence.<sup>6</sup> The religious upbringing of child survivors also plays a role.<sup>7</sup> Those raised in Orthodox homes often hold onto and pass down their heritage, while those raised in more assimilated homes are more likely to hide

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<sup>3</sup>. David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)

<sup>4</sup>. Marian Bakermans-Kranenburg, Abraham Sagi-Schwartz, and Marinus van IJzendoorn, "Are Children of Holocaust Survivors Less Well-Adapted? A Meta-Analytic Investigation of Secondary Traumatization," *International Society for Traumatic Stress Studies*, 16, no. 5 (2003): 459–469

<sup>5</sup>. Judith Kestenberg, "Children of Survivors and Child-Survivors," *Bulletin of the Jerusalem Center for Research Into the Late Effects of the Holocaust: Echoes of the Holocaust*, 1, no. 1 (1992): 27-50

<sup>6</sup>. Ibid

<sup>7</sup>. Ibid

<sup>8</sup>. Ibid

it.<sup>8</sup>

A study on Dutch Jewish children of parent survivors, published in the *Bulletin of the Jerusalem Centre for Research Into the Late Effects of the Holocaust*, drew upon already published reports, and research done in coordination with different therapists from several Dutch organizations, both Jewish and non-Jewish, government funded and private. Previously published reports had concluded that the homes of children of survivors had several things in common.<sup>287</sup> Firstly, there family life is based either on reviving Judaism, as a religion and culture, or centered on achieving a sense of “psychological security”.<sup>288</sup> Children reported their parents were overly anxious regarding their security and often overprotective.<sup>289</sup> In addition, many spoke of secrecy, about “...the existence of a family secret...[and] silence about persecution and murdered family members, and the emotions involved”.<sup>290</sup> Children of survivors spoke about problems with forming their identity, insecurity, vulnerability, struggling with their family history, anxiety, guilt, and aggression.<sup>291</sup> So prevalent are these traits among the children of survivors that “...members of the second generation have so many characteristics in common that they easily recognize themselves in other members of the group. Together they are more able to identify deeper, underlying problems”.<sup>292</sup>

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<sup>287</sup> J Lansen, "The Second Generation: Dutch Examinations and Professional Care ," *Bulliten of the Jerusalem Center for Research Into the Late Effects of the Holocaust: Echoes of the Holocaust*, no. 2 (1993), 47-59

<sup>288</sup> Ibid

<sup>289</sup> Ibid

<sup>290</sup> Ibid

<sup>291</sup> Ibid

<sup>292</sup> Ibid

A study of American children of survivors found that the willingness of their parents to discuss the Holocaust had an impact on how their children identified.<sup>285</sup> In homes where parents were more open, children were more likely to have a stronger ethnic, cultural, or religious Jewish identity, while children raised in homes where it was not spoken about were more likely to feel ashamed, and attempt to distance themselves from any affiliation with Jewish identity.<sup>286</sup> The children of survivors who had intermarried reported a weakened Jewish identity, while overall, children of survivors who had some level of Jewish identity were found to be more involved in activism regarding defense of Israel and the Jewish people.<sup>287</sup> The American study contrasted with the Dutch findings; whereby American children of survivors were more likely to identify with Israel and Judaism, while the Dutch respondents expressed that "...for many of them Jewish history offers no attractive alternative for interpretation, as Jewish history is linked with suffering and danger".<sup>288</sup>

One of the most profoundly impacted groups was the Hasidim. The lasting impact of the Holocaust determined the framework within which they lived their lives. Hasidic Judaism is a strict stream of Orthodox Judaism that, for hundreds of years, was centered in Eastern Europe.<sup>289</sup> The theological beliefs of the Hasidim and the enormous influence held by the Rabbis contributed to the communities' destruction during the Holocaust, and shaped the way they rebuilt in America.<sup>290</sup> Each Hasidic sect, whether it be Belz, Satmar, Breslov, Bobov, Chabad-Lubavitch, or a number of other smaller sects, were centered around the Rabbinical dynasties. Theology was inseparable from politics and daily life, and frequently came first and foremost in decision-making.

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<sup>285</sup> Lisa Cohen, and Nechama Sorscher, "TRAUMA IN CHILDREN OF HOLOCAUST SURVIVORS: Transgenerational Effects," *American Journal of Orthopsychiatry*, 67, no. 3 (1997): 493–500

<sup>286</sup> Ibid

<sup>287</sup> Ibid

<sup>288</sup> J Lansen, "The Second Generation: Dutch Examinations and Professional Care," *Bulletin of the Jerusalem Center for Research Into the Late Effects of the Holocaust: Echoes of the Holocaust*, no. 2 (1993), 47-59

<sup>289</sup> David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)

<sup>290</sup> David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)



In the years immediately prior to World War II, there were three central messages Hasidic Rabbis sent to their communities. The first was that of anti-Zionism.<sup>291</sup> Settling in, what was at the time Mandatory Palestine, prior to the coming of the Messiah was seen as heresy, and a desecration of G-d's name. Immigration to America, a country that was considered unclean, was also discouraged.<sup>292</sup> The second message was against assimilation.<sup>293</sup> By holding tightly to traditional dress, continuing a high level of religious observance and encouraging the use of Yiddish as the vernacular, the religious affiliation of the Hasidism was unmistakable.<sup>294</sup> Unable to assimilate or disguise themselves as gentiles, a vital means of survival was taken away.<sup>295</sup> The final message was one of loyalty, where many prominent Rabbis emphasized the need for followers to stay within the communities.<sup>296</sup> These three messages proved damaging to the Hasidic communities throughout Eastern Europe, which experienced nearly unparalleled devastation.<sup>297</sup>

In Poland, formerly the heart of Hasidism, only 15% of Polish Jews survived.<sup>298</sup> Yisakhar Teichthal, a Hasidic Rabbi from Czechoslovakia, was one of the few Rabbis that called for an exodus from Eastern Europe, and who altered his anti-Zionist stance in light of the worsening persecution in Europe.<sup>299</sup> He spoke publically against the anti-Zionist rulings of other Hasidic Rabbis, decrying their lack of action prior to the war, "for their fanatical opposition to the [Zionist] national movement, and for their loss of the opportunity to save the Jewish people from

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<sup>291</sup> Immy Humes, "Regrouping After the Holocaust," *PBS: A Life Apart: Hasidism in America* (1998)

<sup>292</sup> Ibid

<sup>293</sup> Ibid

<sup>294</sup> Ibid

<sup>295</sup> Ibid

<sup>296</sup> Ibid

<sup>297</sup> Ibid

<sup>298</sup> Immy Humes, "Regrouping After the Holocaust," *PBS: A Life Apart: Hasidism in America* (1998)

<sup>299</sup> David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)

extermination".<sup>300</sup> The Holocaust marked the end of the prominent Hasidic dynasties in Eastern Europe.<sup>301</sup>

Many of the survivors immigrated to the United States following the war, hoping to salvage what was left of their lives in Eastern Europe and rebuild in America.<sup>302</sup> Many had left their religious beliefs in Europe, using American to distance themselves from the Rabbis, whose inaction only aided the destruction of their communities, and from the G-d they felt wasn't present when needed most.<sup>303</sup> For those who desired to rebuild, the Jewish community they found in America was worlds away from that they had left behind. Between 1881 and 1914 nearly two millions Jewish immigrants came to America.<sup>304</sup> The majority of these immigrants were non-observant, moved throughout the country and didn't build strong communities, lacked the dominant Orthodox leadership found in Eastern Europe, and assimilated, raising their children without cultural and religion traditions.<sup>305</sup> Witnessing the assimilation of American Jews only made Hasidic leaders more determined to keep their traditions.<sup>306</sup> The impact of the Holocaust on survivors and their children has led to the formation of vibrant and growing communities throughout the United States, especially New York and New Jersey, and in Canada, in cities such as Montreal, and in Israel, with large populations in Beitar Illit, Ashdod, and Beit Shemesh.<sup>307</sup> While there are several smaller communities in Eastern Europe, the focus there is centered more on the revival of Judaism, compared to the rebuilding of Hasidic dynasties.<sup>308</sup>

The continuation of Hasidic Judaism into the second generation, the children of survivors, is a story of both triumph and tragedy. It has taken but one generation for Hasidic

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<sup>300</sup> Abid

<sup>301</sup> Abid

<sup>302</sup> Immy Humes, "Regrouping After the Holocaust," *PBS: A Life Apart: Hasidism in America* (1998)

<sup>303</sup> Abid

<sup>304</sup> Immy Humes, "The Treyfe Medina," *PBS: A Life Apart: Hasidism in America* (1998)

<sup>305</sup> Immy Humes, "The Treyfe Medina," *PBS: A Life Apart: Hasidism in America* (1998)

<sup>306</sup> Abid

<sup>307</sup> David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)

<sup>308</sup> Abid

community to once "...again [establish] itself on spiritual, social, and demographic planes. In so doing it has once more proved its unbelievable power of survival and its inherent vitality and creativity".<sup>309</sup> Survivors, and their children, have passed on their distinctly Eastern European characteristics and ways of life; Yiddish as an everyday language, strict religious and cultural traditions, and fervent efforts to prevent assimilation.<sup>310</sup> The tragedy comes from the shattered worldview of Hasidic Jews. Survivors, and their descendants, struggled with anger towards their Rabbis, who had just years ago held a near ineffable position within their society.<sup>311</sup> A deeply held mistrust of those outside the community, as memories of neighbors who had turned on them remained vivid, lead to the isolation of many Hasidic sects.<sup>312</sup> These feelings were passed down, alongside "...grave theological misgivings, a desperate quest for divine providence, profound guilt feelings, and attempts to explain the catastrophe as a divine punishment".<sup>313</sup>

The founding of the modern State of Israel, on May 14<sup>th</sup> 1948, the embodiment of the Zionist dreams of Theodore Herzl and David Ben-Gurion, altered the future of the Jewish people. Many of Israel's new immigrants and citizens were Holocaust survivors, and today their children and grandchildren represent a significant demographic cohort of Israeli society. Living in Israel has provided a different life than experienced by those in the diaspora.

A 2003 study published in *The American Journal of Psychiatry* examined the presence of trauma in Holocaust survivors, their daughters and their granddaughters, in families that had been living in Israel for the past 50 to 60 years.<sup>314</sup> The findings were compared to those of a separate group of Israelis, who had made aliyah with their parents prior to World War II.<sup>315</sup> The study found that "...there were significantly more subjects suffering from unresolved loss and

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<sup>309</sup> Abid

<sup>310</sup> Abid

<sup>311</sup> David Assaf. "Hasidism Historical Overview," *The YIVO Encyclopedia of Jews in Eastern Europe*, (2010)

<sup>312</sup> Abid

<sup>313</sup> Abid

<sup>314</sup> Sarit Alkalay, Karin Grossmann, Klaus E. Grossmann, Nina Koren-Karie, Tirtsa Joels, Abraham Sagi-Schwartz, Miri Scharf, and Marinus van IJzendoorn " Attachment and Traumatic Stress in Female Holocaust Child Survivors and Their Daughters," *The American Journal of Psychiatry*, No. 6 (2003), 1086–1092.

<sup>315</sup> Abid

trauma...”within the survivors, than with those who had immigrated prior to World War II.<sup>316</sup> Another study, published in the *Journal of Traumatic Stress*, also examined impacts of the Holocaust on survivors, and their children, living in Israel.<sup>317</sup> Both studies highlighted the relationship between survivors and the State of Israel.

As so many Holocaust survivors made aliyah following the war, there existed a community “...of many thousands of fellow-survivors who had lived through similar traumatic experiences, and who may be the only ones to really understand their suffering”.<sup>318</sup> For Holocaust survivors, living in a Jewish state meant that anti-Semitism was unlikely, that they were the majority.<sup>319</sup> A government meant that for the first time, there was Jewish self-determination, and the creation of Israel’s military, the Israel Defense Forces, meant that no longer were they reliant on others for self-defense.<sup>320</sup> Building a state requires enormous effort from all citizens, and survivors were at the forefront of establishing a democratic government, founding social and cultural institutions, and creating a viable and robust economy. This focus on the creation and future of Israel was an effective way for survivors to deal with trauma.<sup>321</sup> The concept of “collective memory” also plays a central role.<sup>322</sup> Being a part of a nation who, together, had shared experiences acted as a “protective factor”.<sup>323</sup>

Within the Israeli second generation, the children of survivors, secondary trauma was not

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<sup>316</sup> Sarit Alkalay, Karin Grossmann, Klaus E. Grossmann, Nina Koren-Karie, Tirtsa Joels, Abraham Sagi-Schwartz, Miri Scharf, and Marinus van IJzendoorn " Attachment and Traumatic Stress in Female Holocaust Child Survivors and Their Daughters," *The American Journal of Psychiatry*, No. 6 (2003), 1086–1092.

<sup>317</sup> Marian Bakermans-Kranenburg, Abraham Sagi-Schwartz, and Marinus van IJzendoorn, "Are Children of Holocaust Survivors Less Well-Adapted? A Meta-Analytic Investigation of Secondary Traumatization," *International Society for Traumatic Stress Studies*, 16, no. 5 (2003): 459–469

<sup>318</sup> Abid

<sup>319</sup> Abid

<sup>320</sup> Abid

<sup>321</sup> Sarit Alkalay, Karin Grossmann, Klaus E. Grossmann, Nina Koren-Karie, Tirtsa Joels, Abraham Sagi-Schwartz, Miri Scharf, and Marinus van IJzendoorn " Attachment and Traumatic Stress in Female Holocaust Child Survivors and Their Daughters," *The American Journal of Psychiatry*, No. 6 (2003), 1086–1092.

<sup>322</sup> Sarit Alkalay, Karin Grossmann, Klaus E. Grossmann, Nina Koren-Karie, Tirtsa Joels, Abraham Sagi-Schwartz, Miri Scharf, and Marinus van IJzendoorn " Attachment and Traumatic Stress in Female Holocaust Child Survivors and Their Daughters," *The American Journal of Psychiatry*, No. 6 (2003), 1086–1092.

<sup>323</sup> Abid

prevalent.<sup>324</sup> In instances where secondary trauma was found, it was most often in children whose parents were both survivors.<sup>325</sup> However, the report published in the *Journal of Traumatic Stress* found that when compared to their peers, whose parents were not survivors, there was "...a significant difference in psychological well-being and adaptation between the second-generation Holocaust survivors and their comparisons".<sup>326</sup> The report also found higher rates of Post Traumatic Stress Disorder (PTSD) in the adult children of survivors, focusing specifically on the effects of the 1982 Lebanon War.<sup>327</sup> As military service is mandatory for Israeli Jews, the study found that adult children of survivors were "more vulnerable to develop PTSD in combat" than their peers.<sup>328</sup> There were higher rates of PTSD among children of survivors, and their symptoms lasted longer than those of their peers.<sup>329</sup>

Throughout all the studies completed and reports published, the underlying theme is by far the incredible resilience of Holocaust survivors and their children. From the Dutch second generation, who've struggled with identity and anxiety, all while remaining in and rebuilding a country ravaged by the War.<sup>330</sup> The Hasidim in North America and Israel, who held so tightly to their former way of life, and have successfully replicated it throughout the world, to both the benefit, and at the same time the detriment, of the second generation.<sup>331</sup> For many survivors, and the second generation, in Israel, the existence of a Jewish state itself became "...a symbol of the ultimate failure of the "Final Solution"...[within] Israel, various memorials have been erected to

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<sup>324</sup> Marian Bakermans-Kranenburg, Abraham Sagi-Schwartz, and Marinus van IJzendoorn, "Are Children of Holocaust Survivors Less Well-Adapted? A Meta-Analytic Investigation of Secondary Traumatization," *International Society for Traumatic Stress Studies*, 16, no. 5 (2003): 459–469

<sup>325</sup> Abid

<sup>326</sup> Abid

<sup>327</sup> Abid

<sup>328</sup> Abid

<sup>329</sup> Abid

<sup>330</sup> J Lansen, "The Second Generation: Dutch Examinations and Professional Care," *Bulletin of the Jerusalem Center for Research Into the Late Effects of the Holocaust: Echoes of the Holocaust*, no. 2 (1993), 47-59

<sup>331</sup> Abid

commemorate the victims of the Holocaust and to support survivors and their families in working through the traumatic memories of the past".<sup>332</sup> It is this resilience which has enabled the second generation the world over to prosper and thrive, to rebuild communities, bear witness, and carry on the legacy of their parents, as well as their own.

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<sup>332</sup> Marian Bakermans-Kranenburg, Abraham Sagi-Schwartz, and Marinus van IJzendoorn, "Are Children of Holocaust Survivors Less Well-Adapted? A Meta-Analytic Investigation of Secondary Traumatization," *International Society for Traumatic Stress Studies*, 16, no. 5 (2003): 459–469

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## Chapter 10

### *The Use of Child Soldiers in the Twenty-First Century*

*This paper asserts that "Through looking at the Rwandan genocide and the use of child soldiers in Rwanda, as well as in other parts of Africa like Sierra Leone and Uganda, one can see how child soldiers were a benefit to rebel groups but also destructive, due to the devastating effects that they had on these young victims." It continues by problematizing the trauma experienced by these child soldiers in the commission of the violence they were enlisted in. The paper embarks on an empirical analysis of the use of child soldiers in the Rwandan genocide in particular and also states that, "The children of the Rwandan genocide are often forgotten about as many look at the number of casualties of the genocide rather than the survivors and what they had to go through and experience." The paper covers the genesis of the use of child soldiers in the Rwandan genocide. The use of these child soldiers in the wider global context persists to this day. Starting in 1994 the Rwandan genocide was an exceptionally violent event. The United*

*Nations became involved in the Spring of 1994 with the United Nations Assistance Mission in Rwanda or "UNAMIR." Following the escalation of tensions children became actively involved in combat and were often forced to kill. The paper makes use of two examples of the experiences of child soldiers. Children in this conflict had three major roles. They included, destruction of property, stealing property from the ethnic minority, and finally, the children not involved in the first two roles were enlisted by the Hutu militia to participate in killing. The leader of the Lord's Resistance Army was active in recruiting child soldiers in that country and remains active to this day. Some leaders of the LRA and its leader Joseph Kony have had warrants issued for their arrests for the use of child soldiers. The author also says that "Child soldiers are the new way of fighting war in the twenty-first century." The paper reaches its conclusion by illustrating that the use of child soldiers has been, and is still, widespread. It forever damages the individuals involved and justice for these children is far more difficult to reach than it is for other war crimes. Living with the harsh realities of these killings will forever mar their collective existence.*

*Thursday, November 14, 2013*

The 1980s brought about a new issue in warfare. Reports of war conflict with the involvement of children as soldiers was announced for the first time. The new idea of using children in war conflicts became more popular in the 1990s during the Rwandan genocide as well as in neighboring African countries like Sierra Leone and Uganda. In the Rwandan genocide, for example, large numbers of children under the age of eighteen are responsible for the mass murder of large populations of Rwandans. These child soldiers, as well as the others in Sierra Leone and Uganda were being abducted from their homes and forced into armed conflict. The children of the Rwandan genocide are often forgotten about as many look at the number of casualties of the genocide rather than the survivors and what they had to go through and experience. Rebel groups throughout central Africa, in areas such as Rwanda, Sierra Leone, and Uganda have all been known to have children working in armed conflict.

Sadly, the use of child soldiers continues to this day. Children involved in war fare continues to be a problem not just in Africa but throughout the world as well, yet it receives very little attention. It is estimated that over two hundred and fifty thousand children have been engaging in armed conflicts around the world. The Rwandan genocide brought the issue of child soldiers in warfare to light with Lieutenant General Romeo Dallaire. His experience in Rwanda and working for the United Nations has seen the devastating effects experienced by child soldiers



and the countries they live in. He is just one of many whose mission is to better the lives of children around the world who have been affected by war. Child soldiers are important to the topic of genocide and justice because many of these children have witnessed horrible acts of violence, and many have been forced to carry out violent acts against people they are close to like family, friends, and neighbors. Child soldiers consist of both boys and girls and are abused sexually, physically, and mentally, as well as drugged and maimed. It is important to study child soldiers because although they were at one time killers, these children are nonetheless victims of war and need rehabilitation. More effort needs to be made to eliminate the use of children involved in warfare around the world. When looking at genocide and justice, it is important to look at who was affected by the atrocities. Not just the victims, but also the killers and how these mass murders affected them. One must ask oneself, how the survivors of genocides like Rwanda, both the victims, the perpetrators, as well as those who stood by and did little to help? Through looking at the Rwandan genocide and the use of child soldiers in Rwanda, as well as in other parts of Africa like Sierra Leone and Uganda, one can see how child soldiers were a benefit to rebel groups but also destructive, due to the devastating effects that they had on these young victims.

The Rwandan genocide occurred in 1994. By the fall of that year, five hundred to eight hundred thousand people had been killed in Rwanda and two million were now refugees. The United Nations were in Rwanda in the spring of 1994. Known as UNAMIR the United Nations in Rwanda found themselves incredibly vulnerable when the plane of President Habyariman went down unexpectedly. The President's death left the five thousand UN peacekeepers, who were only carrying a small amount of weapons for protection, with the overwhelming atrocities performed by the Hutu extremists to exterminate the Tutsis and Hutu moderates. Michael Barnett, who was a political officer at the U.S. Mission to the United Nations and was assigned to cover Rwanda, argues that the peacekeepers of UNAMIR, "... were instantly confronted by two increasingly untenable tasks: protecting the lives of civilians and defending themselves."<sup>333</sup> UNAMIR's main goal in Rwanda was to implement the Arusha Accords. Barnett describes the Arusha Accords as, "the blueprint to end the civil war between the Tutsi-backed Rwandan Patriotic Forces and the Hutu-dominated Rwandan government."<sup>334</sup> UNAMIR also aimed to

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<sup>333</sup> Michael Barnett. *The International Humanitarian Order*. (New York: Routledge, 2010), 117.

<sup>334</sup> Barnett, 111.

establish a new government that would speak to all Rwandans and not just one dominant majority.

After the President's plane crash, the violence escalated and the United Nations were dealt another blow when ten Belgian peacekeepers, who were protecting moderate Hutu politicians, were killed by Hutu extremists. Clearly, the United Nations were unprepared for what was going to happen and by April 21, 1994 the Security Council made the decision to disengage the majority of the peacekeepers of UNAMIR as ..."there was a general recognition that peacekeepers, unprotected and exposed, could do little good and much harm both to themselves and the United Nation's reputation and future."<sup>335</sup> With the majority of the peacekeepers gone, Lieutenant General Romeo Dallaire was given the task of trying to negotiate a cease-fire arrangement between the two parties. The lack of bodies and supplies caused Dallaire's actions in Rwanda to be unsuccessful. The United Nations again were seen as negatively impacting Rwanda because they left with the majority of their troops, leaving the civilians of Rwanda to become victims of genocide as the Hutu extremists went on a killing spree. It was clear that an intervention was desperately needed, however, there were no countries willing to send troops. "It seemed that the daily reports of carnage and brutality only contributed to the belief that it was highly improbable that a modest-sized outside force could halt the terror."<sup>336</sup>

The Hutu extremists that were in charge of constructing the plans for the genocide were "...a small tight group... who had conspired with the "Zero Network" killer squad in earlier smaller massacres, and shared a common ideology of radical Hutu domination over Rwanda."<sup>337</sup> The killings developed with great speed in the capital of Kigali and highly centralized. The victims at first were those who were educated and posed a threat to the Hutu radicals like the civil rights activists, doctors, journalists, politicians, and teachers. Those who the Hutu extremists got to join them on their mass killing sprees had a similar obedience to their orders to

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<sup>335</sup> Barnett, 120.

<sup>336</sup> Barnett, 120.

<sup>337</sup> Gerard Prunier. *The Rwanda Crisis: History of A Genocide*. (New York: Columbia University Press, 1995), 241.

those of the Nazis. This was the ideology that, "When the authorities in that state told you to do something you did it, even if it included killing."<sup>338</sup>

In the novel, "Innocents Lost: When Child Soldiers Go to War," by Jimmie Briggs, there are examples of the children of Rwanda who were forced to kill. One of these examples is of a sixteen-year-old by the name of François Minani. Minani had given up school after finishing elementary to work on his parents farm. One morning he was approached by a band of youth about his age at his parents farm and they ordered him to come with them and to bring his four nephews with him. They brought them to a shallow pit, where they handed François a hoe to beat his nephews to death, as well as narcotics to help detach himself from the situation. François was forced to kill his nephews because his sister was engaged to their father who was a Tutsi. His nephews' parents had already been killed by the Hutus and François was forced to finish off his nephews. Sadly, there are thousands of stories like François. Innocent children forced to kill their own family members or friends. Eugenie was a Tutsi and just sixteen years old in April 1994 when she was abducted by the Rwandan Hutu soldiers and taken in as their wife. In an effort to escape from the soldiers, she was taken into the forest and repeatedly raped by boys and young men for over a week.

These are just two examples of how children were traumatized during the Rwandan genocide. There were four main roles that children played in the Rwandan genocide. The first was the role of militia. In Kigali, the capital of Rwanda, thousands of boys all around the ages of fifteen to eighteen were participating in the armed forces. From these thousands of boys under the age of eighteen, those who were interviewed claimed to have taken the lives of as many as ninety people while in the militia. The second role, was the informant. This was the most common role given to children involved in the armed conflict. Their role was to discover moderate Hutus and Tutsis who were in hiding from the military. The third role was looting. This was a task that children of every age could perform. They would be responsible for the damage and destruction of homes and property as well as stealing the personal property of others like cattle or food crops. The final role was for the children who had not participated in the genocide in any of the three above roles but were connected with the Hutu militia. These

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<sup>338</sup> Prunier, 245.

children were orphans who performed work as guards or servants to in turn live with the soldiers and their families.

The Lord's Resistance Army began abducting children in 1987. The army is run by Ugandan Joseph Kony. This army began attacking civilians in Uganda in the 1980s. These attacks were incredibly violent and the army was also abducting civilians as well. In June of 1987, the Lord's Resistance Army abducted girls from a boarding school in Northern Uganda. One year later, the army returned again abducting eighty-eight girls. The girls who attended this boarding school were all students who excelled in academics and were very intelligent. In 1991, forty-three girls were abducted from this same school, two of them dying in the process. One of the girls that was abducted from this boarding school according to Briggs is, "reportedly became a leader in Kony's movement."<sup>339</sup> In 1995, the Lord's Resistance Army successfully massacred one hundred and fifty-five people in a trading center in Uganda with machetes and rifles. The Lord's Resistance Army continued to invade towns and villages of Uganda for food and materials while abducting children. The girls who had been abducted by Kony and his army were now wives to Kony and his staff. It was estimated that Kony had anywhere from thirty to sixty wives. Briggs notes that, "It was unknown how many children he'd sired by these teenage girls, but some of them were soldiers in the Lord's Resistance Army."<sup>340</sup> Joseph Kony and his officers have yet to be captured. However, warrants for his arrest have been issued since 2004. Joseph Kony himself, along with a dozen of his officers have been charged with war crimes, as well as the illegal use of children as soldiers.

Possibly the best account of a child soldier is that of the memoir, "A Long Way Gone" by Ishmael Beah. Beah lived in Sierra Leone and similar to Rwanda, there was a violent civil war which began in 1991. He became separated from his family after the rebels occupied his town and he was made to retreat. For many months, Beah was joined by a gang of other boys as they roamed orphaned. At the age of thirteen, Ishmael Beah was forced into the government army to fight the rebels and became a child soldier. For three years, Beah fought with the government army of Sierra Leone until he rescued by UNICEF. Later he escaped to New York City, where he attended the United Nations International School and went on to receive a degree in political

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<sup>339</sup> Jimmie Briggs. *Innocents Lost: When Child Soldiers Go to War*. (New York, Basic Books, 2005), 116.

<sup>340</sup> Briggs, 117.

science. The outcome for Ishmael Beah was a very successful one. Most child soldiers did not have the same opportunities as he had after his rescue.

Child soldiers are the new way of fighting war in the twenty-first century. According to Romeo Dallaire, the reason that children are being so widely used in warfare is because, "...they are considered to be expendable, plentiful, cheap to maintain and easily indoctrinated by the adults who recruit them."<sup>341</sup> Individuals who are working towards finding solutions to end the use of children as soldiers, like Romeo Dallaire and Ishmael Beah, feel that children are very easy to manipulate and brainwash. Beah noted in his memoir that for him, he was very easily assimilated into the life of a soldier and dehumanized. However, he notes that once he was free, he struggled much more with coming back and living in society.

The recruitment and the use of children as soldiers is now against international law. However, according to the Romeo Dallaire Child Soldiers Initiative, children are still being used in militia throughout fifty state and non-state armed groups. Organizations worldwide have been working on developing rehabilitation and successful reintegration for children who have been involved in armed conflict, as well as the disarmament and demobilizing child soldiers. However, not much has been done to put an end to the recruitment of child soldiers. Without the prevention of child soldiers, there will continue to be children involved in armed conflict. Romeo Dallaire states that, "Decade after decade, the number of child soldiers around the world has failed to subside. To date, we have yet to find an effective way to interrupt the vicious cycle of recruitment or to address the root cause of child soldiery."<sup>342</sup>

The use of children in warfare in the civil wars of Rwanda, Uganda, and Sierra Leone put a new face to what warfare looks like in the twenty-first century. Children high on drugs killing more people than they are able to remember. If these children make it out of captivity, they are forever scarred with the crimes they committed and witnessed against humanity, yet they are the individuals committing the crimes. Justice for these children is much more difficult than the justice faced by past criminals of war crimes. Rehabilitation and reintegration into society will

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<sup>341</sup> The Romeo Dallaire Child Soldiers Initiative. *The Issue*. 2013. Accessed Monday, November 11, 2013. [www.childsoldiers.org/the-issue/](http://www.childsoldiers.org/the-issue/).

<sup>342</sup> The Romeo Dallaire Child Soldiers Initiative. *The Issue*. 2013. Accessed Monday, November 11, 2013. [www.childsoldiers.org/the-issue/](http://www.childsoldiers.org/the-issue/).

not bring back their parents, siblings, or families. Because these children were committing crimes in their youth, they not only lost their right to a childhood but they will also have to live with their actions much longer than any other war criminal, as well as their experiences as a victim. Living with the harsh realities of having their innocence taken away from them so young, having to hurt those they loved and having to go on with living their lives, some not even knowing how many people they killed.

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## Glossary

**Absolutism-** The acceptance of or belief in absolute principles in political, philosophical, ethical, or theological matters.

**Acculturation-** Cultural modification of an individual group, or people by adapting to or borrowing traits from another culture.

**Anti-Semitism-** Hostility to, prejudice, or discrimination against Jews. Universally seen to be the dominating ideology responsible for the Nazi Holocaust.

**April Uprising of 1876-** Organized insurrection by the Bulgarians in the Ottoman Empire directed at establishing an independent state of Bulgaria.

**Arusha Accords-** A series of peace treaties signed between the Rwandan government and the rebel Rwandan Patriotic Front on 4 August 1993, designed to end the Rwandan Civil War.

**Assimilation-** To bring into conformity with the customs, attitudes, etc., of a group nation, or the like; adapt or adjust.

**Batak Massacre-** An Ottoman led massacre of Bulgarian insurrectionists at the beginning of the April Uprising of 1876.

**Bilateralism-** A situation in which two countries or organizations have a trade agreement or work together to achieve something.

**Bolshevism-** The communist form of government adopted in Russia following the Bolshevik revolution of 1917.

**Common Law-** Anglo-American law system which is based on using past cases and precedent to decide modern issues. Adversarial court system which is built off judges' decisions.

**Civil Law-** Built off Roman law and is founded in statutes and legislation. Court proceedings are more inquisitorial with judges playing a larger role in cases.

**Collective Guilt-** Individuals who are part of such collectives to be responsible for other people's actions and occurrences by tolerating, ignoring, or harboring them, without actively engaging. Most commonly used retroactively against certain groups, with examples including white Americans and slavery, and Germany post World War 2.

**Concentration Camp-** A camp in which people are detained or confined, usually under harsh conditions and without regard to legal norms of arrest and imprisonment that are acceptable in a constitutional democracy.

**Crimes against Peace-** Aggression that is between states that breaks treaties. Breaks the peace by invading a nation unlawfully.

**Crimes against Humanity-** Policies of violence and mass violence. Often easier to prove in courts than genocides.

**Cultural Genocide-** The term used to describe the deliberate destruction of the cultural heritage of a people or nation for political, military, religious, ideological, ethnical, or racial reasons.

**Decolonization-** The undoing of colonialism: where a nation establishes and maintains its domination over one or more other territories. decolonization not only refers to the complete removal of the domination of non-indigenous forces within the geographical space and different institutions of the colonized, but it also refers to the intellectual decolonization from the colonizers' ideas that made the colonized feel inferior.

**Dehumanization-** The process of depriving a person or group of positive human qualities. Can also be manifested as the psychological process of demonizing the enemy, making them seem less than human and hence not worthy of humane treatment. This can lead to increased violence, human rights violations, war crimes, and genocide.

**Displacement-** The removal of a group of people from a usual or proper place: to expel or force to flee from home or homeland.

**Einsatzgruppen-** Commonly termed the SS of the Nazi Regime, this group was involved in the murder of much of the intelligentsia and cultural elite of Poland, and had an integral role in the implementation of the Final Solution to the Jewish Question.

**Ethnic cleansing-** The expulsion, imprisonment, or killing of an ethnic minority by a dominant majority in order to achieve ethnic homogeneity.

**Eurocentrism-** Reflecting a tendency to interpret the world in terms of European or Anglo-American values and experiences.

**Femicide-** Intentional murder of women because they are women, but broader definitions include any killings of women or girls. Femicide is usually perpetrated by men, but sometimes female family members may be involved. An example of this targeting was present in the Rwandan Genocide with the targeting of Tutsi women.

**Final Solution-** The last stage in the Nazi Holocaust which brought into effect the mass scale killing of Jews through death camps such as Auschwitz-Birchenu.

**Functionalists-** Scholars who downplay the significance of Hitler as an individual, believing it was in fact an evolving result of chaotic decision-making process of a polycratic regime where the party used the only means available to hold the fragmented party together.

**Genocide-** The 1948 Genocide Convention defined genocide as “intent to destroy, in whole or in part, a national, ethnical, racial, or religious group”. The Convention also underlined the terms “Conspiracy, Incitement, attempt, complicity”. Lastly, the definition includes “Bodily or mental harm” “[destructive] conditions of life”.

**Genocide Convention of 1948-** The convention which was accepted by the UN General Assembly that both defined genocide, as well as made genocide an illegal act.

**Ghettoization-** The process of becoming a ghetto, an isolated and underprivileged urban area through economic constraints or purposeful political manoeuvres.

**Great Depression-** The severe worldwide economic depression taking place in the 1930s, commonly considered to have begun with the collapse of the American stock market on Black Tuesday, 29 October 1929.

**Hasidism-** A Jewish religious group originating out of Western Ukraine in the 18<sup>th</sup> century, targeted heavily during the Nazi Holocaust as they were an easily distinguishable religious group.

**Human Rights Abuse-** Occurs when actions by state (or non-state) actors abuse, ignore, or deny basic human rights (including civil, political, cultural, social, and economic rights).

**Hutu-** The proposed working-class people in Rwanda. Main perpetrators of the Rwandan Genocide, targeting Tutsi Rwandans.

**Intentionalists-** Scholars who place primary focus on the intention of the Nazi's, looking to Hitler's role in instigating the events as well as the anti-Semitic dimension of both Nazi ideology and European history.

**Intergenerational Trauma-** A collective trauma inflicted on a group of people who share a specific group identity or affiliation—ethnicity, nationality, and religious affiliation. It is the legacy of numerous traumatic events as community experiences over generations and encompasses the psychological and social responses to such events.

**International Law-** Law that exists between states, refers to treaties, and affects international relations.

**Justice-** The maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments.

**Kristallnacht-** Often referred to as “Night of Broken Glass”, in which a wave of violent anti-Jewish pogroms took place between November 9-10, 1938. This wave of violence took place

throughout Germany, annexed Austria, and in areas of the Sudetenland in Czechoslovakia recently occupied by German troops.

**Legal Aggression-** The process of utilizing legislation with the express intent of advancing an aggressive agenda.

**Mass murder-** The act of murdering a number of people, typically simultaneously or over a relatively short period of time and in close geographic proximity.

**Military Occupation-** Effective provisional control by a certain ruling power over a territory which is not under the formal sovereignty of that entity, without the violation of the actual sovereign.

**Mixed (Bi-juridical) Law-** Any system of law that incorporates common law, civil law, and/or indigenous law. French Canada is a good example of this as it incorporates all three of these legal systems.

**Nationalism-** Loyalty and devotion to a nation; a sense of national consciousness. Exalting one nation above all others and placing primary emphasis on promotion of its culture and interests as opposed to those of other nations or supranational groups.

**NATO-** North Atlantic Treaty Organization.

**NGO-** Non-government organization.

**Nuremberg Trials-** The trials that took place in 1945-1946 which dealt with bringing the main perpetrators in the Nazi regime to justice. Some of the more famous persons on trial include: Karl Dönitz, Hermann Göring, Joachim von Ribbentrop, and Albert Speer.

**Peasantism-** The doctrine that power should be vested in the peasant class.

**Racism-** Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that one's own race is superior.

**Raphael Lemkin-** Polish-Jewish jurist who first named the crime of genocide. Was responsible for advocating the adoption of genocide at the 1948 Genocide Convention for the UN.

**Realists-** People who do not see the legalist desire for tribunals and restorative courts, they hold an indifference towards justice, instead opting for vicious thoughts of revenge.

**Residential Schools-** Government-sponsored religious schools established to assimilate Indigenous children into Euro-Canadian culture, functioning in the late 19<sup>th</sup> and 20<sup>th</sup> centuries.

**Restorative Justice-** Community driven outcomes which include active victim engagement. Meant to encourage responsibility, reconciliation, and reparations. Often has a more active involvement of all parties, not only victims or perpetrators.

**Retributive Justice-** Punishment that is proportionate to the crime, commonly seen as deterrence via fear of retribution. Does not often work as it is designed to.

**September Uprising of 1875-** A nationalist uprising of Serbs against the Ottoman Empire in Bosnia and Herzegovina. Sparked by religious persecution of Christians and unfair systems of taxing. The uprising would lead to several more Balkan uprisings, with many Balkan states gaining independence from the Ottomans in the late 19<sup>th</sup> century.

**Social Darwinism-** The term that refers to various ways of thinking and theories that emerged in the second half of the 19<sup>th</sup> century and tried to apply the evolutionary concept of natural selection to human society. Commonly paired with colonial racism and outdated methods of determining merit, such as phrenology.

**Sovereignty-** The power of a state to do everything necessary to govern itself, such as making, executing, and applying laws; imposing and collecting taxes; making war and peace; and forming treaties or engaging in commerce with foreign nations.

**Systematic violence-** One of the primary forms of collective violence, understood to be committed, condoned or allowed by the State and its representatives. Violence that is also very planned, targeted, and methodical in nature. Examples include Nazi death camps and the Turkish genocide of Armenian Christians.

**Tecumseh's War-** One of the wars in the greater Indian Wars, part of a greater conflict between Amerindians and Americans over control of the Great Lakes region. The war reached its climax in 1811, dragged into the War of 1812, and would finally end in 1813 with the death of Tecumseh at the Battle of the Thames.

**Totalitarianism-** A system of government that is centralized and dictatorial and requires complete subservience to the state.

**Zionism-** Is the national movement of the Jewish people that supports the re-establishment of a Jewish homeland in the territory defined as the historic Land of Israel.

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