National
Days of Remembrance
May 1–8, 2011

JUSTICE AND ACCOUNTABILITY IN THE FACE OF GENOCIDE: what have we learned?

That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.

—Justice Robert Jackson, Chief U.S. Counsel to the International Military Tribunal, Nuremberg, Germany, November 21, 1945

Congress established the Days of Remembrance as the nation's annual commemoration of the Holocaust and created the United States Holocaust Memorial Museum as a permanent living memorial to the victims. This year's Holocaust remembrance week is May 1–8. The theme designated by the Museum for the 2011 observance is **Justice and Accountability in the Face of Genocide: What Have We Learned?**

In the immediate aftermath of the massive death and destruction of World War II, revenge might have satisfied the shock and anger of the moment. But many believed that justice under the rule of law rather than vengeance would better serve humanity. In support of this principle, the Museum is marking the 65th anniversary of the verdicts at the first Nuremberg trial, a watershed moment in international justice, and the 50th anniversary of the trial of Adolf Eichmann, one of the most high-profile postwar recountings of the Nazi genocide and a landmark in public awareness of the Holocaust.

The International Military Tribunal at Nuremberg in 1945 held 22 top Nazi leaders accountable for atrocities they commanded and perpetrated. Subsequent proceedings between 1946 and 1949 prosecuted another 183 persons. This total represented only a tiny fraction of those responsible for the Holocaust, but established important precedents. *Who was prosecuted was more telling than how many stood trial.* No one, regardless of official position, was above the law. The argument that someone had just been following orders was no longer considered a valid defense. Not only were the shooters at mass executions and the guards at gas chambers tried, but physicians and business leaders, government officials and civil servants also were required to take responsibility for their actions—for as noted historian Raul Hilberg wrote, "The annihilation of Jewry required the implementation of systematic administrative measures in successive steps."

After Nuremberg, a new understanding of international responsibility for human rights emerged, as the world began to fully understand the events we now call the Holocaust, spurring on a process to create a new legal vehicle that criminalized attempts to destroy any entire group of people—the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

Fifteen years after the first Nuremberg convictions, a single individual would come to personify these crimes—Adolf Eichmann. A midlevel SS officer central to the planning and implementation of the "Final Solution," Eichmann was captured by Israeli agents while hiding in Argentina in 1960 and brought to Israel for what would become known then as the "trial of the century."

In an event televised around the world, the Eichmann trial refocused attention on the murder of the Jews of Europe. Unlike the Nuremberg trials, which relied heavily on documentary evidence, the Eichmann trial featured eyewitness testimony by Holocaust survivors, speaking out in a way they never had before, enabling the world to put a face not only on the perpetrators, such as Eichmann, but also on the millions of victims and survivors.

The Nuremberg and Eichmann trials strove for justice, but what can justice really mean in the face of a crime like genocide? While the trials were an act of public accountability owed to the victims, justice to a great extent was aspirational.

These anniversaries come at a time when some of the last living Nazis are on trial and perpetrators of recent genocides and crimes against humanity are being prosecuted. Precedents set in trials against Holocaust perpetrators have guided a new understanding of justice as a tool for seeking accountability, providing affirmation to victims, warning perpetrators, and reflecting society's highest ideals about truth and justice. These trials are also a harsh reminder that while accountability is necessary in the aftermath of genocide, early intervention is vital to saving lives. Whether it is prevention, response, or accountability, the Holocaust teaches us that inaction can be deadly; actions, even small ones, can make all the difference for those whose lives are at risk, now and in the future.

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