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Ethnic Violence and Justice

*Workshop organized by the Center for Policy Studies, CEU
and the Open Society Institute, New York*

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On May 9-10 the workshop “*Ethnic Violence and Justice*” was held at the CEU. The workshop was organized in cooperation between Open Society New York and the Center for Policy Studies at the CEU, and it aimed primarily at presenting and discussing the work of six OSI New York Fellows the research of whom focuses on ethnic violence and genocide around the world. The six fellows were: **Fred Abrahams**, senior researcher at Human Rights Watch, **Bill Berkeley**, editorial writer for The New York Times and an Adjunct Professor at Columbia University’s School of International and Public Affairs (SIPA), **Joost Hiltermann**, former executive director at the Arms Division of Human Rights Watch, **Dinah PoKempner**, Deputy General Counsel at Human Rights Watch, **Samantha Power**, outgoing executive director of the Carr Center for Human Rights Policy at Harvard University and **David Rohde**, Pulitzer prize winner reporter of the New York Times.

The discussion started with a public panel discussion with all fellows as participants. An important contribution to the panel discussion in addition to the contribution of the fellows was made by **H.E. Judge Patricia Wald**, former Judge of the International Criminal Tribunal for the Former Yugoslavia, previously Chief Justice of the US Appeal Court for the District of Columbia Circuit. Issues discussed included among others the question of individual versus collective responsibility for instances of ethnic violence and genocide. It was debated whether command responsibility is acceptable or the responsibility of each and every perpetrator of the crimes, of all those “involved in a criminal enterprise”, sometimes including large proportions of the population of a country, can be held responsible. Another important question asked whether beyond legal responsibility of the perpetrators one can speak about moral responsibility of bystanders, or third parties to genocide, and who can be considered bystander. The activity and efficiency of tribunals and truth and reconciliation committees, such as the International Criminal Tribunal for the Former Yugoslavia was also discussed. It was concluded, on the one hand, that the activity of such tribunals is extremely important both because of their function in establishing liability for genocidal crimes committed and for the preventive effect their activity has. On the other hand participants agreed over the fact that the activity and the outreach of the activity of such bodies needs to be improved, and certainly they should not be the only forum counted upon in working towards the determination of responsibility and achievement of truth and reconciliation in societies struck by genocide.

The presentations of the fellows covered case studies of Jenin, Rwanda, Gujarat, ethnic violence against Kurds in Iraq, failure of the Khmer Rouge tribunal, the Milosevic trial. Some presentations addressed more general issues. **Samantha Power** in her talk examined the importance and failure of US intervention in case of some of the largest genocides around the globe since the end of the Second World War. **Bill Berkeley** spoke about the nature of ethnic conflicts in Africa by looking at several such conflicts that occurred in recent decades, and argued that these are not necessarily tribal, primordial conflicts that are driven by mystical forces, but rather highly orchestrated political conflicts arising from a tradition of lawlessness, absence of accountability and responsibility.

Commentators to the presentations came mostly from the CEU and OSI network both from our region and beyond. Scholars such as **Shalini Randeria**, **G.M. Tamás**, **Paul Roe**, **Iván Székely** or **Ivan Vejvoda** not only commented on the presentations but have also added their thoughts to the important moral and legal issues discussed during the workshop. The discussion was for most of the time chaired by the President of the Open Society Institute, **Aryeh Neier**, who made invaluable comments to the discussion.

The workshop shed light, on the one hand, on the complexity of problems that are raised by ethnic violence and genocide and by trying to define responsibility for it, to account for it and, last but not least, coming to terms with it. On the other hand it showed that the issues that were discussed are very much similar around the world, and responses to them should be looked for globally.

For more information of the workshop program, the participants and their work please visit the website: http://www.ceu.hu/cps/eve/eve_ethnicviol.htm.