

# REMEMBERING THE SHOAH

THE ICRC AND THE  
INTERNATIONAL COMMUNITY'S  
EFFORTS IN RESPONDING  
TO GENOCIDE AND  
PROTECTING CIVILIANS



A program organized by the  
International Committee of the Red Cross  
and the World Jewish Congress,  
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ICRC



***Remembering the Shoah: The ICRC and the International Community's Efforts  
in Responding to Genocide and Protecting Civilians***

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Cover: World Jewish Congress President Ronald S. Lauder addressing the  
“Remembering the Shoah” Conference at the Humanitarium of the  
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# REMEMBERING THE SHOAH

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EFFORTS IN RESPONDING  
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PROTECTING CIVILIANS

## “ Respect for the past, responsibility for the future ”

Seventy years after the liberation of the Nazi camps, how far have we come in terms of genocide prevention and civilian protection?

On April 28, 2015, the International Committee of the Red Cross (ICRC) and the World Jewish Congress held an event in the Humanitarium at ICRC headquarters in Geneva to mark 70 years since the end of the Shoah, which saw the death of millions of Jews as the result of a systematic genocidal policy. During this period, the Third Reich also persecuted countless members of minorities and other groups. The ICRC, although particularly active during the Second World War with more than 50 delegations in operation, failed to vigorously address the plight of victims of the Nazi regime and its allies. The discussion provided an occasion to share lessons learned by the ICRC and the international community in terms of the development of legal and political tools to prevent and respond to large-scale atrocities. The historical perspective paved the way for a forward-looking reflection on genocide prevention and civilian protection. How far have we come since the end of the Shoah in 1945 and the subsequent drafting of the 1949 Geneva Conventions, and how far do we still have to go?

We are pleased to present the proceedings of this historic program. The texts of the presentations and comments have been reviewed and, where appropriate, amended by the respective participants. In particular, Professor Deborah Lipstadt has expanded the text of her presentation to include additional historical material.

# INTRODUCTION



## Vincent Bernard

*Editor-in-Chief of the International Review of the Red Cross,  
and Head of the ICRC Law and Policy Forum*

**I**t is a pleasure to welcome you tonight at the Humanitarianism for a discussion that aims to meet the challenge of being both commemorative and forward-looking, a discussion that aims to immerse ourselves in a traumatic episode of our history in order to better understand contemporary responses to humanitarian challenges.

The International Committee of the Red Cross is co-organizing this event with the World Jewish Congress, an organization founded in Geneva nearly 80 years ago, in 1936, precisely in reaction to the rise of Nazism and the growing threats against Jews in Europe.

From the early years of World War II, it was an essential contact of the ICRC, providing information about the persecution of the Jews and advocating for their protection.

Once the camps were liberated and everyone became fully aware of the horrors of World War II, the international community adopted legal measures to prevent the repetition of these crimes, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the Fourth Geneva Convention dedicated to the protection of civilians in wartime adopted in 1949.

But despite these developments, 70 years later, the memory of the Shoah and other massacres reminds us that there still is a long way to go to prevent and respond to genocide and other atrocities.

# KEYNOTE SPEAKERS



## Ronald S. Lauder

*President, World Jewish Congress*

**I**nternational philanthropist, investor, art collector, and former public servant, Ronald S. Lauder has served as president of the World Jewish Congress since June 2007. As president of the WJC, Ambassador Lauder has met with countless heads of state, prime ministers and government representatives in advancing those causes and principles that are of the highest concern to Jews and Jewish communities internationally. From 1983 to 1986, he served as United States Deputy Assistant Secretary of Defense for European and NATO Affairs. In 1986, he was appointed by President Ronald Reagan as US Ambassador to Austria. During his posting in Vienna, he built strong diplomatic bonds between the two countries while personally repudiating Kurt Waldheim who became President of Austria.



## Peter Maurer

*President of the International Committee of the Red Cross*

**P**eter Maurer entered the Swiss diplomatic service in 1987, where he held various positions in Bern and Pretoria before being transferred to New York in 1996 as deputy permanent observer at the Swiss mission to the United Nations. In 2004, Mr. Maurer was appointed Ambassador and Permanent Representative of Switzerland to the United Nations in New York. In 2009, the UN General Assembly elected Mr. Maurer chairman of the Fifth Committee, in charge of administrative and budgetary affairs. In 2010, Mr. Maurer took over the reins of the Swiss Department of Foreign Affairs, with its five directorates and some 150 Swiss diplomatic missions around the world. He succeeded Jakob Kellenberger as ICRC president on July 1, 2012

# Peter Maurer

**H**istory does not end. History is remembered, recounted, studied and discussed, time and again, and by each generation anew. Seventy years is a lifetime – an appropriate moment therefore to remember the horrors of the Shoah and the liberation of the concentration camps.

I would like to thank all of you for joining us tonight. My very special thanks to our co-host, the World Jewish Congress, and President Ronald Lauder, to the CEO, Robert Singer, to Tom Gal, the representative here in Geneva, and to the distinguished panelists who agreed to participate in the discussion.

**Tragically, the leaders of the International Committee of the Red Cross were part of the by-standers who – when confronted with questions about the silence of the institution – defended standard responses to extraordinary circumstances.**

Over the past seven decades, we have come to grips with the details of what was known for a long time and unspoken for too long: the unparalleled human disaster of the Holocaust, the power of fear, the danger of lawlessness disguised as law, the insidious nature of state terror, the “banality of evil,” and the failure to act of those who knew.

Over the past seven decades, we have learned about the political, moral and professional failures of systems, institutions and individuals, which resulted in a man-made disaster and which rooted in what Karl W. Deutsch so aptly described as a “cognitive catastrophe” – or in other words, the inability of too many contemporaries to understand the very character of the Nazi regime.

Over the past seven decades, we have heard innumerable versions of the perverse justifications for the horrors of the Shoah. These justifications were first and foremost those of the perpetrators but they extended to the rest of the world who stood by and watched. Tragically, the leaders of the International Committee of the Red Cross were part of the by-standers who – when confronted with questions about the silence of the institution – defended standard responses to extraordinary circumstances. To speak now would be ineffective they said; it would not change the course of history; it would compromise existing access to people in need; it would reflect badly on the neutrality and impartiality of the organization, etc. At the origin of such justifications, there were profound misunderstandings about the character of the system and the nature of terror. The ICRC did not see Nazi Germany for what it was. Instead, the organization maintained the illusion that the Third Reich was a “regular partner,” a State that occasionally violates laws, not unlike

any army during World War I, occasionally using illegal weapons and means and methods of warfare.

We all know that the Shoah was a defining moment for the world, for humanity, for the Jewish community, and for international relations. It shaped and sharpened the expectations of public policies in numerous countries and in international relations with regard to the legal and moral obligations and responsibilities of individuals.

As a historian, I spent many years studying German and European politics of the 1930s and 40s, trying to understand the dynamics of power and of totalitarian regimes as well as the breakdown of civility. As a Swiss diplomat I have experienced the strong tensions between historical truth and the politics of justifications, and as a president of the ICRC I keep asking myself how the past disaster links to the present violence we experience.

In the wake of the Shoah and of the Second World War, the international community adopted the fourth Geneva Convention with its focus on the protection of civilians, a novelty in an area of international law that had focused much more on protecting the wounded, sick and detained soldiers in the field. Around the same time, the United Nations adopted the Convention against Genocide and in the years that followed, the international community saw accountability for war crimes, crimes against humanity, and genocide emerged as triple red lines. The right to know, the

right to reparation, the right to justice and the right of non-recurrence emerged as important benchmarks for dealing with the past and as necessary pillars of meaningful reconciliation in society. With regard to legal and policy frameworks, the world has learned some lessons from the Shoah.

The ICRC failed because it drew inexcusably false conclusions from perfectly valid observations. It failed as a humanitarian organization because it had lost its moral compass. This failure has become an intrinsic part of our institutional history.

In institutional terms, the ICRC also learned some hard lessons. It had failed to protect civilians and most notably the Jews persecuted and murdered by the Nazi regime; it had failed to understand the uniqueness and inhumanity by responding to the outrageous with standard procedures; it had looked on helplessly and silently, not really trying – certainly not hard enough – to live up to the principle of humanity. The ICRC failed because it drew inexcusably false conclusions from perfectly valid observations. It failed as a humanitarian organization because it had lost its moral compass. This failure has become an intrinsic part of our institutional history.

Twenty years ago, my predecessor, Cornelio Sommaruga – whom I welcome warmly amongst us tonight – was the first ICRC president to publically recognize that the organization’s failure to speak out was a moral defeat. I can only echo his judgment tonight and commend him for recognizing it when he did.

Since then, we have chosen to confront our past and to embrace transparency. Our public archives are proof of our acknowledgment of the past and our continued effort to confront uncomfortable truths. The ICRC has also adopted a new policy on confidentiality, explicitly acknowledging that there is a path to condemnation of acts of inhumanity. We have chosen not to let ourselves be cornered by the binary logic of silence vs. denunciation, which inevitably leads to paralysis in an institution like ours. Instead, the ICRC has opened many avenues for action: mobilizing High Contracting Parties of the Geneva Convention, engaging diplomatically, reaching out to the public to explain our *modus operandi*, ceasing activities when confronted with unacceptable conditions imposed on it by warring parties, withdrawing from a context in extreme circumstances where staying would do more harm than good, and – ultimately – publicly denouncing violations of international humanitarian law. Today, the big question is not whether to speak out but how, when, and to whom we should speak on what, in order to further our objective of preserving human dignity and enlarging space for humanitarian action.

When mass atrocities are no longer hidden behind the walls of concentration camps and in the dark cellars of the Gestapo, when the display of inhumanity, anti-Semitism and exclusion is part of generalized attempts to terrorize groups and societies at large, we may need more refined strategies than public outcry.

Given today’s challenges, it will come as no surprise to you that the ICRC’s current four-year strategy places a particular emphasis on furthering its humanitarian diplomacy. Given our roots, our role and our responsibilities, we cannot just be a relief organization. We must put the protection of vulnerable people first, which entails injecting a more forceful dynamic between our daily work in favor of war-affected populations and our mandate to develop and promote international humanitarian law, and to influence the humanitarian policy developed by the High Contracting Parties to the Geneva Conventions.

Even the best and most ambitious institutional strategy will not solve the dilemmas that persist between the high principles that inform humanitarian action and the stark realities with which we are confronted in so many conflicts today. We are all aware that the opposite of failure is not necessarily success. But this should not mean that we do not strive to improve. Success for me involves asking the right questions, which is precisely what today’s panel seeks to do.



We are invited to think about the singularity of the Nazi regime and the Holocaust, and whether it can be connected with the enduring patterns of genocide and violations of fundamental law. This raises a number of related questions, such as:

- Whether we can distinguish between violations of the law that take place within the framework of a general acceptance of the law and the systematic violations that fundamentally question the principle of humanity?
- How to avoid misguided analogies that lead us to wrong conclusions?
- What is new and what is old?
- Where is the line between compromise and rotten compromise?
- When is persistent and patient engagement the right thing to do? And when is it a dangerous illusion?

Many have committed to learn from the past and to not see history repeat itself. Two weeks ago, on Yom Hashoah, or Holocaust Remembrance Day, the words “never again” once more reverberated across the world. But for the ICRC, somehow, “never again” resonates with difficulty because of what we see and experience on the ground every day. We cannot guarantee that a humanitarian catastrophe of the extent of the Holocaust will not happen again. On the contrary, we witness a catalogue of atrocities, every day, in wars across the globe.

In reflecting on what it means to have learned from the Shoah, in preparation for our gathering today, I re-read some of Justice Thomas Buergenthal’s writings. In his famous book, *A Lucky Child*, he recounts his time as a lawyer and judge dealing with cases involving atrocities committed in the Balkans, Cambodia, Rwanda and El Salvador which triggered memories of his days in Auschwitz as a young boy. Buergenthal to me personifies the most positive turn history can take.

Many of you may recall when Buergenthal compares survival in Auschwitz with those kids who survive poverty and violence in today’s urban slums. He certainly has shown the way: turning trauma and bare instinct for survival into productive energy to build institutions, strengthen accountability and legal frameworks, and thus open spaces for more humane societies. Such are the ingredients to ensure that societies are learning the right things from the past. Such are the ingredients that allow an organization like the ICRC to move forward humbly yet decisively.

Whether in Syria, Iraq, Yemen or Palestine, whether in Ukraine or Colombia, in Myanmar or in the Mediterranean, the ICRC is challenged every day to leverage influence in order to assist and protect people from the impact of violence, to prevent violations of the law, and to ensure a minimum of humanity and to prevent worse: that is a beginning and certainly not enough.

Thank you.

## Ronald S. Lauder

**T**wo days ago, I participated in the 70th anniversary of the liberation of the Bergen-Belsen concentration camp in Germany.

Seventy years ago, this spring, the entire world suddenly became aware of the Nazi plan to annihilate all the Jews on earth. Camps were liberated from Eastern Poland through Western Europe and the entire world finally saw the true horror. British troops entered Bergen-Belsen with cameras and within weeks, the photographs and newsreels were seen everywhere.

The bulldozers pushing naked bodies into open pits. The walking skeletons. The inhuman conditions that Jews were forced to endure.

The Holocaust could not have happened without the entire world looking the other way. World silence led to the Holocaust. World indifference led to the Holocaust.

I stood on one of the largest Jewish cemeteries in the world, but it is a strange cemetery. There are no grave stones, no markers. Hundreds of thousands were not just robbed of their lives, but of their identities as well.

But as the rest of the world finally understood the reality: All of this was known for years by governments and this organization. The Holocaust was never just a Nazi project. The Holocaust could not have happened without the entire world looking the other way. World silence led to the Holocaust. World indifference led to the Holocaust.

And, sadly, when an organization as respected as the International Committee of the Red Cross – the foremost humanitarian organization in the world – was faced with German defiance regarding inmates of the camps, the Red Cross did not push the matter any further. The Red Cross chose silence as well. The ICRC explained that it did not want to jeopardize its attempts to help the millions of other victims of the Nazis, including the many prisoners of war.

Throughout World War II, the Red Cross seemed to be balancing its ability to do what it could do in Europe without upsetting Nazi Germany. Its fear was that it would be shut out completely. So the Red Cross made the fateful decision to tread lightly.

There is no doubt that the Red Cross did much good work during World War II. But it could have done more. It should have done more. But to single out the Red Cross as the only international organization that did not speak out is unfair. The sad fact is: Nobody spoke out. International organizations did not stand up to the Nazis. Very few religious leaders stood

up to the Nazis. Most governments did not stand up to the Nazis until they were threatened themselves and had no choice.

All of this raises a vital question in light of what is happening in our world today: How should the ICRC and all organizations and responsible governments deal with totalitarian regimes of today?

When countries intimidate the world, when they destroy cities and threaten other countries, how should the world react? What course should it take?

The first lesson coming directly from the Holocaust is that in the face of a human catastrophe silence is not a moral alternative. This is more important today than ever before because of what we see throughout the Middle East, Africa and even right here in Europe.

How should the world deal with the humanitarian disasters we see in Assad's Syria with over 200,000 people slaughtered and millions of refugees? Or Iraq, as ISIS tears through it slaughtering men, women and children?

From 1933 on, the entire world was intimidated by Adolf Hitler. Almost no one spoke out against him. The result was World War II with over 60 million dead and two continents destroyed.

When Neville Chamberlain returned from Munich holding his flimsy piece of paper that promised Peace in Our Time, Winston Churchill said: "You were given a choice

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between war and dishonor. You chose dishonor, and you will have war." If we learned anything, it is this: Tyrants cannot be appeased and silence is no alternative. Jews learned what silence brings. We learned this lesson the hard way.

That is why the World Jewish Congress has been speaking out on behalf of Christians as well. When Christians are slaughtered in Africa and Middle East just because they are Christians, we as Jews, cannot be silent.

I believe the ICRC has an important obligation that goes beyond relief work. The ICRC is one of the most respected international organizations in the world and as such, its opinion carries great weight.

From the bitter lessons learned in the Holocaust, I believe the ICRC should help guide the world and make the right choice. You have already proven your moral authority because you have opened up your historical records.

You have admitted that you could have and should have done more. Even on your website today, you openly and honestly say that your “lack of action on behalf of victims of the Holocaust was the ICRC’s greatest failure.”

It is never easy for people or organizations to be this open and for this, I believe the ICRC should be commended. The World Jewish Congress commends you. I commend you.

**You have admitted that you could have and should have done more ... It is never easy for people or organizations to be this open and for this, I believe the ICRC should be commended.**

By doing this, you uphold the highest traditions of this great and noble organization. I hope this gives other organizations, and, frankly, other countries, the courage to open up their records on dark matters they have hidden for years. And while you should not jeopardize your political position, the world is in desperate need of leadership in the ongoing debate between right and wrong.

And that is exactly what this is, a struggle between good and evil. There is no ambiguity when marauding armies kill everything in their path, beheading men, women and even children. This could not be clearer, just as it was clear 70 years ago when the concentration camps were liberated.

The world today faces its greatest challenge since the end of World War II. Nothing could be more important in 2015. The International Committee of the Red Cross must show the world the way.

You have already demonstrated noble courage. The world looks to you again in another hour of need. The world is counting on you.

Thank you.

# PRESENTATIONS AND PANEL DISCUSSION

## PRESENTERS



### Deborah Lipstadt

*Professor of Modern Jewish and Holocaust Studies,  
Emory University*

**P**rofessor Deborah Lipstadt is an expert on Holocaust denial and modern anti-Semitism. One of her major books, *History on Trial: My Day in Court with David Irving* relates the six-year legal battle brought against her by the British writer for calling him a Holocaust denier and right wing extremist in her seminal work *Denying the Holocaust*. At Emory University, Deborah Lipstadt created the Institute for Jewish Studies and was its first director from 1998-2008. She was an historical consultant to the United States Holocaust Memorial Museum, and helped design the section of the Museum dedicated to the American Response to the Holocaust. She was appointed twice by President Clinton to the United States Holocaust Memorial Council, and was reappointed to the Council by President Obama.



### Dr. James Orbinski

*Professor & CIGI Research Chair in Global Health, Balsillie  
School of International Affairs, Laurier University, and  
Professor of Medicine, Dalla Lana School of Public Health,  
University of Toronto*

**D**r. James Orbinski is a globally recognized humanitarian practitioner and advocate, as well as one of the world's leading scholars and scientists in global health. After extensive field experience with *Médecins Sans Frontières* (MSF), Dr. Orbinski was elected MSF's international president from 1998 to 2001. He launched its Access to Essential Medicines Campaign in 1999, and in that same year accepted the Nobel Peace Prize awarded to MSF for its pioneering approach to medical humanitarianism, and most especially for its approach to witnessing. For his leadership in Rwanda during the 1994 genocide, Dr. Orbinski was awarded the Meritorious Service Cross, Canada's highest civilian award.

## MODERATOR



### **Robert Singer**

*Chief Executive Officer of the World Jewish Congress (WJC)*

**S**ince May 2013, Robert Singer has served as CEO and Executive Vice President of the WJC, the leading umbrella organization of Jewish communities around the world. Mr. Singer has placed great emphasis on strengthening WJC ties with affiliated Jewish communities, various international organizations and governments and is notably responsible for the revival of the historic WJC office in Geneva. Prior to joining the WJC, Mr. Singer served for 14 years as the Director General and CEO of World ORT, one of the world's largest non-governmental education and training providers. Mr. Singer spent 12 years with the Office of the Prime Minister in Israel, including as Head of the Prime Minister's North America Mission.

## Robert Singer

I would like to start by echoing my president, Ambassador Ronald S. Lauder, in commending the ICRC for having this event.

We met for the first time with the president of the ICRC, Peter Maurer, about three months ago and spoke about having a discussion of this kind. I am extremely happy that today, we are sitting in this room and opening the floor for this discussion.

April and May, 2015, mark the 70<sup>th</sup> anniversary of the liberation of the Nazi concentration camps and the end of the Second World War.

The purpose of this panel is to discuss the failure of the ICRC and of the international community to act or react vigorously to the persecution and mass murder of Jews and others by the Third Reich. This panel discussion is intended to reflect on these issues, share the lessons learned from them, and review the legal and political tools that have been established to prevent and respond in the future to Genocide and other large-scale atrocities

I now would like to give the floor to our distinguished speakers, beginning with Professor Deborah Lipstadt, followed by Professor James Orbinski.

## Deborah Lipstadt

I would like to frame my brief remarks within two contexts. One of the most frequently asked questions regarding the Holocaust is “how much did the rest of the world know about what was happening while it was happening?” I think we need to refine that question and make it a bit more nuanced. We must differentiate between information and knowledge and recognize that having the former – information – did not guarantee the latter – knowledge.

**We must differentiate between information and knowledge and recognize that having the former – information – did not guarantee the latter – knowledge.**

There was a great deal of information available to the general public. The Allies, the Vatican and ICRC officials sitting here in Geneva had both information and knowledge. The ICRC knew by the late summer of 1942 that mass murder was underway. Officials at the ICRC may have initially found it incomprehensible. It should be noted that even World Jewish Congress representative Gerhart Riegner, one of those who fought assiduously to bring the information to the rest of the world, initially found it difficult to believe

that what he was reporting could be true. The cable he sent to London and to Rabbi Stephen S. Wise in New York informing them that the Germans planned to annihilate European Jewry is often treated as official confirmation of the news of annihilation. However, it contained some serious qualifiers. He wrote: "We transmit this information with all the necessary reservation, as exactitude cannot be confirmed by us." But within a short time, after receiving additional information, his reservations evaporated and he became utterly convinced that it this horrific news was absolutely true.

The chasm between information and knowledge existed as well in the halls of the United States State Department and the British Foreign Office, two institutions that could not in 1942 be accused of harboring philo-Semitic attitudes. By November 1942, both agencies were convinced that the news was absolutely true. The State Department confirmed the information to Rabbi Wise and in December 1942, the British took the lead in having all the Allied nations jointly issue a statement acknowledging that there was a program underway to murder the Jews of Europe, that two million had already died, and that four million more stood in danger of losing their lives.

The ICRC had access to all this information. It certainly knew as much, if not far more, than Riegner. This, of course, gives rise to two other questions that must be asked about all the actors, including the ICRC:

If the information they had did not convince them that a genocide (a word that was not yet coined then but a concept that was known) was underway, why did it not? And if they were convinced, why did they not act?

Now that I have set out the basic questions that must be asked, I would like to suggest that we modify the way in which we delineate the three major categories of actors who played a role in the Holocaust. It has become commonplace to rely on a tripartite designation: victims, perpetrators, and bystanders. In recent years some historians have suggested – and I think their argument has merit – that, rather than the term "bystander," we should use "enabler." I believe that there is actually room for two categories here: bystanders and enablers. Bystanders are those who saw what was happening but lacked any real power to change things. They did not have a voice that could be heard by those who might have been able to do something. They did not have the means to rescue or hide potential victims. They did not have arms. They did not have political clout.

Enablers, on the other hand, constitute the "broad and necessary contextual conditions (or entities) for the Holocaust" to take place. There were ideologies, e.g., anti-Semitism and nationalism, which were enablers. Without them the Holocaust would have been impossible. But there were governmental and non-governmental entities which were also enablers. I designate them as such because their



silence or failure to protest was far more than a neutral act. It was interpreted by the Germans as a clear signal that they could continue doing what they were doing without any consequences.

And high among the enablers I would include the ICRC. Its silence and its seeming acquiescence in the way it “stood by” signaled to the Germans that the ICRC was given them a green light to proceed. The ICRC may not have thought it was transmitting such a symbol. That however is how the Germans interpreted it.

The other non-governmental enabler par excellence was, of course, the Vatican. Had the Vatican issued an unequivocal condemnation of what was going on and had it made it absolutely clear that it found what was being done utterly reprehensible and at odds with the most basic elements of its theology, it is possible that some of the actors – soldiers, collaborators, indigenous police units – might have felt constrained from participating.

This pattern of enabling begins quite early. Here are but a few examples:

- Think back to the calls in 1933 for boycotts of German goods. With the exception of a few Jewish organizations, most governments eschewed anything that smacked of a boycott. We cannot know for sure, since this is counterfactual history, but we must at least contemplate what might have happened if there had been a worldwide economic

As intense as my criticism of the ICRC may be, it is, therefore, no more critical – and possibly even less so – than the organization has been of itself. Moreover, this self-criticism on the part of the ICRC is even more noteworthy because no other organization, institution, or government which failed to assist the victims – and there are many – has been so forthcoming.

boycott of the Third Reich in 1933 when Hitler's government was not yet fully ensconced in its power.

- Consider the Olympic Games. Germany made a symbolic effort to include Jews (two to be precise) on its team. Immediately the American Olympic Committee, which was pressuring Germany to make this change, declared that it was satisfied. So too in this case, while we cannot know for certain what might have happened we must at least contemplate the impact of most of the democratic world boycotting the event.
- In 1938, President Roosevelt convened the Evian Conference in an attempt to find a solution to the growing “refugee” problem. (The refugees were Jews. However, the democratic nations thought, rather absurdly so, that recognizing

that fact would be to succumb to Nazi ideology of differentiating among people.) There the thirty-two participating nations tripped over themselves with excuses as to why they could not accept Jews into their countries. German newspapers pointed out with a certain degree of glee that other nations shared Germany's feelings about Jews but lacked the resolve to do something about it. Might this have signaled to the Germans that the rest of the world did not care about the fate of these Jews? Did that signal have long-term implications?

- Think back on the numerous ways the Vatican cooperated with the Third Reich and, almost from the outset, failed to condemn its behavior. Reflect on the way Pope Pius XI helped boost up Mussolini, an act he eventually regretted but never lived to condemn. Recall the various Vatican statements that decried what the Germans were doing but failed to mention Jews, even when Vatican officials knew precisely the details of the Final Solution.
- The British Foreign Office repeatedly refused to issue statements condemning what was being done to the Jews because, they argued – somewhat absurdly so – to do so would be to single Jews out and to somehow acquiesce to the Nazi claim that Jews were a group separate and apart. It was, as the British historian Tony Kushner says, a terrible failure of “the liberal imagination.”

Labeling an organization an “enabler” is, I recognize, a heavy indictment and is not one that I make glibly or without careful consideration. Yet in the case of the ICRC it is one that I make with relative ease. The ease with which I do so emanates, not so much from the ICRC's record, but from the fact that the ICRC has itself acknowledged its failure. In 1995, ICRC President Cornelio Sommaruga, who is present here tonight, spoke of the organization's “moral defeat” during World War II. But President Sommaruga's statement was not a “one off” that was allowed to fade into oblivion. One can find on the ICRC's website an unequivocal admission of the “impotence” it displayed during the Final Solution “and the mistakes it made” in dealing with this tragedy. The organization website states: “Apart from ... a few sporadic instances ... the ICRC's efforts to assist Jews and other groups of civilians persecuted during the Second World War were a failure.”

In 2002, François Bugnion, the ICRC's Director for International Law and Cooperation within the Movement repeated that designation and declared the ICRC's efforts during the Holocaust a “failure.” That failure, he posited, was the result “of the ICRC's inability – or unwillingness – to fully recognize the extent of the tragedy that was unfolding, and to confront it by reversing its priorities and taking the risks that the situation demanded.” As intense as my criticism of the ICRC may be, it is, therefore, no more critical – and possibly even less so – than the organization has

been of itself. Moreover, this self-criticism on the part of the ICRC is even more noteworthy because no other organization, institution, or government which failed to assist the victims – and there are many – has been so forthcoming.

Let us turn now to a survey of the historical data. I begin, not with the killings, but in 1933, shortly after Hitler had become chancellor. The *Deutsche Rote Kreuz* (German Red Cross, “DRK”) in violation of ICRC standards and principles banned Jews. On June 10, 1933, the *New York Times* reported that the DRK would be “completely ‘Aryanized’ as a result of an agreement reached today between officials of this non-sectarian relief agency and representatives of the Ministry of the Interior. All functionaries of the Red Cross and male and female nurses will be Aryans.” Some may be inclined to dismiss actions such as the “Aryanization” of the DRK as being of little significance when compared with what would happen after the German invasion of the USSR in 1941, *i.e.*, the mass killings.

But let us contextualize this incident. In 1933 the Third Reich, but a few months old, was unsure how the world would respond to the escalating restrictions it was placing on its citizens in general and Jews in particular. There were German officials who were cautioning against these actions, not because they necessarily thought them morally wrong, but because they feared the international consequences.

Could the ICRC have made it clear to the DRK that such actions violated ICRC standards and were unacceptable?

What might have been if it had told the DRK that it could not do this and remain associated with the ICRC? As with the questions we posed earlier in this presentation, we cannot answer these counterfactual questions. We do know, however, that the Third Reich quickly deduced that such moves did not cost it anything: no condemnation, no sanctions, and no public criticism.

Conversely, consider German responses to the great November 1938 pogrom known as *Reichskristallnacht*. The attacks were public and were witnessed by foreign reporters, diplomats, and German citizens among others. The world criticism was so great that five days after the pogrom the German Ambassador in Washington, Hans-Heinrich Dieckhoff, informed Berlin that American public opinion, which until that point had been fairly “indifferent to what was happening in Germany,” was now “exceptionally outraged and bitter” towards Germany. That was the last *public* action Germany took against Jews prior to the deportations. Persecution did not stop – eventually it would become far worse – but the German authorities recognized that they had to put the persecution behind “closed doors.” If there had been a worldwide reaction to Germany’s actions beginning in 1933, might the anti-Semitic policy been curtailed and never reached the genocidal stage?

In 1939, the ICRC President approached the DRK to arrange for ICRC delegates to visit the Jews from Vienna who had been deported to Poland. The request was rejected. The Germans made it clear that they had no interest in discussing the fate of these people. According to the ICRC's own website, from that point on the "ICRC opted for a strategy of no longer addressing the question of Jews directly" – it did so only in general approaches concerning the victims of mass arrests or deportation.

But it is during the war itself, when Jews were being annihilated, something that the ICRC was aware of by late summer or early fall of 1942, that its failings become the most disturbing. Even if our gathering tonight was not being held under the joint sponsorship of the World Jewish Congress, it would be impossible to address the ICRC's actions without looking at the desperate and well-nigh heroic attempts of the WJC's representative here in Switzerland, Dr. Gerhart Riegner, to convince the ICRC to act. He repeatedly asked senior ICRC officials, including vice president Carl Burckhardt, to do something and was repeatedly rebuffed. He suggested all sorts of creative ways in which the ICRC might help. Among his suggestions were the following:

- That ICRC delegates be sent to all the areas where ghettoization, deportation and extermination were taking place. The presence of independent external witnesses, he hoped, might at least mitigate the atrocities.

- That the ICRC find a way to confer upon civilian internees in the camps a legal status similar to that of prisoners of war, thereby enabling the ICRC to aid them according to its mandate.
- That the ICRC help people who were starving by organizing large-scale material aid programs under ICRC auspices.
- That the ICRC "help urge neutral governments" to open their doors to refugees.

All of Riegner's requests – and there were others – were rejected. The ICRC insisted that:

- Its mandate was to care for four million POWs and any of these actions might jeopardize its activities on their behalf.
- The Germans' treatment of their own Jews was a domestic matter that was not within the ICRC's purview.
- The condition and plight of Polish Jews was similarly not within the ICRC's purview because (i) they were civilians, and (ii) Poland had ceased to exist as a nation state and was therefore not even eligible for regular ICRC consideration.

There were of course the disastrous visits ICRC representatives made to Theresienstadt and Auschwitz in June 1944 on behalf of the ICRC. Dr. Maurice Rossel, the head of the delegation, was refused entry into Auschwitz. Surprisingly this aroused

no alarm bells for him. He then proceeded to Theresienstadt where the Germans had arranged performances, sports games, and even built a café to make it seem that this was a lovely outpost inhabited by wealthy prominent Jews.

After his visit, Rossel wrote a very positive report about what he had seen at the camp. Claude Lanzmann's hour-long interview with Rossel in the film *Un vivant qui passe* (A Visitor from the Living) offers a stupefying footnote to this visit. Rather than acknowledge that he had been duped by this Potemkin village (ghetto), Rossel stood his ground. Rossel condemns, not the Germans, but the Jews who failed to approach him to tell him the truth. He speaks of the Jews' "passivity, that sterility that I couldn't stomach." He complains that no Jew ever approached him to tell him what was going on. "It's amazing that no one ever said, 'this is a farce.'" Had he expressed these views shortly after his visit, one might have been surprised but attributed it to his failure to really know the full details of what happened during the Holocaust. But that he still harbored this belief 35 years later, when the full details of the horrors of the Holocaust were common and public knowledge, is quite striking.

As we have noted, the ICRC explained or justified its reluctance to assist Jews by contending that its primary mandate was to care for POWs. Yet even here it failed to live up to its own mandate. For example, it

knew that in many instances Jewish POWs were separated from and treated more harshly than non-Jewish POWs in violation of the Geneva Conventions. This, of course, was no small thing since the ICRC's mandate was predicated upon the Conventions. Nonetheless the ICRC refused to lodge any protest or interpellations regarding such violations. Thus, for example, the ICRC did not protest or otherwise react when many thousands of Polish Jewish POWs were removed from POW camps in 1940 and sent to prison camps in Poland where they were eventually murdered or worked to death.

Even if our gathering tonight was not being held under the joint sponsorship of the World Jewish Congress, it would be impossible to address the ICRC's actions without looking at the desperate and well-nigh heroic attempts of the WJC's representative here in Switzerland, Dr. Gerhart Riegner, to convince the ICRC to act.

Of course, the ICRC did take some positive actions. It sent packages to individuals imprisoned in the camps. Sadly, however, we have no evidence that they were received. More importantly, there were those ICRC officials who recognized the severity of the situation and simply broke with the

organization's policies. We should not only mention their names but imprint them on our memories.

What we should leave here remembering is that this is an organization which acknowledged its failures. Moreover, these were not “run of the mill” failures. They cost lives. The ICRC knows that and has not shirked from accepting responsibility.

Among them were Roland Marti, the ICRC chief delegate in Berlin who tried to help Jews but was unsuccessful. Friedrich Born, the ICRC representative in Budapest who recruited 3,000 Jews to work in ICRC offices in Budapest and issued 15,000 *Schutzbriefe* (protection documents) that probably saved their recipients from deportation.

André de Pilar was an ICRC Geneva official to whom Gerhart Riegner believed the Jewish people owed “a profound debt of gratitude.” He kept Riegner informed about any information from the DRK. He displayed, in Riegner's words, “friendship, comprehension, and a genuine desire to help us.” De Pilar, in fact, believed that Riegner should pressure his own organization, the ICRC, more than he was already doing.

The examples set by these ICRC officials is particularly important, not just because of their heroic qualities, but because they give the lie to those who might argue that nothing could have been done. They are the best counterpoint to the behavior of the vast majority of other ICRC officials who did nothing and whose behavior resulted in a situation that 50 years later the ICRC itself designated as a “failure.”

During the final days of war, the ICRC seemed to recognize a sense of urgency. They negotiated the surrender of the concentration camps Turckheim, Dachau and Mauthausen and prevented last-minute executions. At Mauthausen, the ICRC representative, Louis Häfliger, managed to convince the camp leader to revoke an order to blow up the underground aviation factory at Gusen, which was part of Mauthausen. Had the factory been blown up it is likely that the 40,000 prisoners in it would have been killed. (Cynics might argue that at this point there was no doubt that Germany was going down in defeat. Therefore, the ICRC had nothing to lose and everything to gain by coming to the aid of concentration camp inmates even if they were Jews.)

In conclusion, after having spent most of this talk pointing out the ICRC's failings, I should note that historians have extensively documented all that I have said. Many of you in this audience are familiar with that record. In other words, it is not the ICRC's record that should stand out

or surprise you. Sadly, we could examine the records of other entities, governmental and non-governmental, and find that they too behaved in a similar fashion. What we should leave here remembering is that this is an organization which acknowledged its failures. Moreover, these were not “run of the mill” failures. They cost lives. The ICRC knows that and has not shirked from accepting responsibility.

The last word should be given to the WJC’s Geneva representative during the World War II years, Gerhart Riegner, the man who more than any other repeatedly confronted the ICRC’s continuous failure to act and who implored ICRC leadership to do something.

“In the life of large international humanitarian organizations there are times when the fundamental principles of their actions are called into question, when a stand must be taken without regard to the success or failure of the initiative. I believe that in 1942 such a moment had come for the ICRC. It ought to have followed its conscience and embraced a higher morality by publicly reaffirming its humanitarian principles and condemning one of the most atrocious crimes in the history of humanity.”

Though written about something that occurred over 70 years ago, Riegner’s words should resonate even more strongly today.

### James Orbinski

Mr. Maurer, Mr. Lauder, Professor Lipstadt, Mr. Singer, and assembled guests: it is a privilege – one that weighs heavily – to speak today at this commemorative event. There is so much that is beyond words. And so much that must not be. I speak today for myself, and not for *Médecins Sans Frontières* (MSF) or any other organization. In my own experience as a humanitarian doctor, I have seen famine, war and its crimes, and genocide. There is no escape from what you know. Let me draw on this to address the question, “How far have we come?”

When Auschwitz was liberated by the Russians on January 27, 1945, only 7,000 desperate souls remained precariously alive, from among the 1.3 million that had been sent there to be exterminated. In all, six million Jews, and six million Poles, Russians, Roma, homosexuals, and political prisoners were murdered in a network of 20,000 camps established by the Nazis across Europe. Here the “guilty” were literally stripped of identity and social meaning, and banished to the outskirts of the proverbial city walls. At Bergen-Belsen, liberated by the Allied Forces in April 1945, a mere 60,000 people remained. It may well have been bombed, had it not been for a prisoner who escaped, bringing testimony of the reality of the concentration camp, to the approaching forces.

The knowledge of the Holocaust is forever rooted in a morality that knows first what is wrong, and that aspires to protect in the name of right.

The Holocaust has variously been interpreted as the culmination of anti-Semitism, of racism at its worst, as a crime against humanity, or a crime against the human condition. The Shoah – the speaking of it, the challenging of the moral, political and humanitarian choices in it, and the struggle against the totalitarian erasure of “the other” in the name of “superman” that led to it – has been the defining feature of a fragile cosmopolitan morality that has staggered into emergence since.

Simone Weil in her commentary on Homer’s *Iliad* – a commentary written in the summer of 1940 after the fall of France to the Nazis – remarked that a “trembling marks those who now feel a nothingness in their own presence.” It is a trembling that I first witnessed in Somalia, and then in Afghanistan, in Rwanda, in Zaire, in Kosovo, in South Sudan, and too many other places of crisis. It is a quivering of those who are reduced to a bare life that is no longer seen as inherently sacred. It is into this silent place that the humanitarian

acts, and in speaking from this place, the voice of outrage is raised. It is a voice that bears witness to the plight of the victim, and one that demands for the victim both assistance and protection, so that the silence does not go unheard.

The refusal to accept the unacceptable is MSF’s founding myth, and bearing witness is central to this founding myth. It is commonly acknowledged that MSF began in the context of the Biafran civil war. French doctors – originally working for the French Red Cross – rejected predetermined neutrality that imposed a passive complicity with the Nigerian government, which had been accused of committing genocide. The silence of all parties, including the ICRC, about the annihilation of the Jews under the Third Reich formed the backdrop to this accusation.

At its best, politics is an imperfect human project. It is at its worst when we delude ourselves in thinking it can be perfect. In Rwanda, in 1994, I was MSF’s Head of Mission in Kigali – the country’s capital city. I was there as a humanitarian doctor. It was a place with very particular politics – the criminal politics of genocide. It was a brutal, horrible time – a time of rational and state-planned evil. Nearly a million people – virtually all Tutsis – were butchered in 14 weeks. Bodies filled the streets of the capital city, and the gutters alongside a hospital that we managed to keep open, literally ran red with blood.



One night, after many long hours of surgery, a girl of about nine told me how she escaped murder at the hands of the Interahamwe killing squads. The squads were part of an organized government plan to erase the existence of the Tutsi people from Rwanda. Through an interpreter, the little girl told me – and I quote – “my mother hid me in the latrine. I saw through the hole. I watched them hit her with machetes. I watched my mother’s arm fall into my fathers’ blood on the floor, and I cried without noise in the toilet.” Many have described genocide and similar human cruelties as unspeakable. But they are as unspeakable as they are undoable. As human beings, we do genocide. Doctors cannot stop this crime. But the little girl in the latrine had no voice, and we had a responsibility to speak out against what we knew. And we did not speak into the wind. We spoke with a clear intent to rouse the outrage of public consciousness around the world. On one side of the front line, MSF worked under the emblem and authority of the Red Cross and the courageous leadership of Philippe Gaillard, the ICRC Head of Mission, and both organizations actively denounced the genocide as it was happening. This was the first such active denouncement of genocide in the history of the Red Cross. MSF also called for military intervention under the UN to stop the criminal politics of genocide.

How far have we come? Churchill called it “a crime without a name.” The Holocaust

from 1933 to 1945 was for Hannah Arendt, the “... apotheosis of the experience of modernity.” It was the “... rupture with ‘civilization’ that shattered all existing ideas of progress, all feelings of optimism, all previously engraved images of Europe as a civilized community, all notions of the innocence of modern political thought.” Since the Shoah, there have been genocidal mass atrocities in Bangladesh (1971), East Timor (1975-99), Cambodia (1975-79), Guatemala (1981-83), Bosnia (1992-95), Rwanda (1994), and in Darfur, Sudan (2004-?).

The knowledge of the Holocaust is forever rooted in a morality that knows first what is wrong, and that aspires to protect in the name of right. Nothing thus far legitimizes the coalescing and fragile cosmopolitan morality of human rights and humanitarianism more than the slogan, “Never Again.” The Shoah is the horrific moral genesis, and was the justification for a universal legal response in the Nuremberg Trials, the Convention of the Prevention and Punishment of Genocide, the Universal Declaration of Human Rights, and for Human Rights more generally so that they have a central place in the Preamble to Article 1 of the United Nations Charter. These were specifically designed to prevent another Holocaust and another Nazi Party.

How far have we come? William Shabas has written that absent Srebrenica and other massacres, according to the 2007

ruling of the International Court of Justice, “not only was genocide (in Bosnia) prevented because of the deterrent effects of punishment, the duty to prevent genocide had its own autonomous scope which was both ‘normative and compelling.’” Following the Cold War hiatus, we have seen an imperfect proliferation in the number and variety of state and non-state actors and mechanisms, and multi-state initiatives, acting – putatively – in the name of humanity. Multiple interventions eventually gave rise to normative support for an imperfect International Criminal Court, and a deeply imperfect Responsibility to Protect (R2P). Twenty-one years ago when the genocide in Rwanda ended, there was no such thing as an International Criminal Court. Its creation in 2002 is a seminal – and I mean that word very precisely – and imperfect – human achievement over impunity. Now, for the first time in human history, those individuals who violate the laws of war can be held to account if their own governments fail to do so. And no one, not even a sitting head of state, can claim to be above the law.

Law does not make us just and good, but it can – if claimed and enforced – protect us from what is not just and good. Gaps left by the narrow definition of genocide in the 1948 Convention have been partially filled by the enlargement of the ambit of crimes against humanity during the 1990s. And under the guidance of the Red Cross, International Humanitarian Law has had, and will continue to have

revisions, as the context, technology and nature of warfare changes.

And yet none of these has erased the politics of power that willingly sacrifices some, and nor have these dampened war as one among many means for the exercise of that power. Silence, indifference and forgetting are crimes of their own existential character, and for each and all of us as human beings, there are none worse. Seventy years later, the Shoah has become part of, and most significantly remains, a catalyst for a remaking of our collective story of ourselves – a story that must put human dignity at the center of the political project. Here, action and bearing witness in the name of humanity must be central.

How far have we come? Far, but not far enough. Last week 1,200 people drowned while fleeing knowingly into dangerous Mediterranean waters. Having given over their safety to human smugglers, they sought refuge in an uncertain fate, from a known fate that is certainly repressive. Each dead person is the definition of a refugee. That this must be stated illuminates just how far humanitarianism and human rights have penetrated beyond the “Never Again” of the Holocaust. *The Economist* declared yesterday on its cover: “*Europe’s Boat People, (are) a Moral and Political Disgrace*” for Europe and the world. Its editorial stated that – and I quote – that “after the crimes of the second world war, countries made solemn undertakings never again to abandon innocent people to persecution and conflict.

... Europe's boat people ... (expose) the failings of countries with a duty to shelter them. In Europe that starts with a breakdown of ethics."

The Holocaust must always be the "particular" of the Jewish people. And yet, having emerged from the particularism of the Holocaust, "Never Again" and all that has followed from it, has become a universalist aspiration that risks dissipating into the ether of the nonspecific should it not be rooted again and again in the multiple particularities of contemporary wrongs. Bearing witness from a place once described by Martin Buber as "I/Thou" is central to this rooting, so that always we can begin again.

Thank you for the privilege of speaking at this most important commemorative event.

### **Peter Maurer**

Two thoughts. Deborah, I think you've raised the issue of this huge discrepancy. You said it sounds so absurd when you hear the lines of justification during and in the aftermath of the Second World War for not speaking out, not engaging, and also with what James mentioned beforehand, it strikes me and hasn't been said by any of our speakers until now.

The Geneva Conventions, the mandate of the ICRC, the way our functioning of this organization is rooted into 150 years into the basic hypothesis that there is a consensus to protect the minimal space of humanity. And those who are working

in this organization take it as a given that there is a political will to uphold and protect the space of humanity in the worst of situations: wars.

So they entered the Second World War in the 1930s with the basic hypothesis that all the actors wanted to protect that space.

I think what we see is the failure to recognize that the political system of Germany put itself outside this space, and that therefore playing to the rule within the logic of protecting humanity was absurd with an actor who had put himself outside this logic.

Now, the question remains for me, after hearing you. You have all made appeals which seem to me shortcuts, as if speaking out is somehow changing the situation. And it remains, as I have mentioned in my introduction, one of the big challenges: Where and how do we make the link?

**Law does not make us just and good, but it can – if claimed and enforced – protect us from what is not just and good.**

When ICRC and other actors see that we are outside the framework and the logic of what states have agreed, how do we transmit this into political influence and political power?

How do we bring outrageous violations of international humanitarian law to the attention of responsible governments in order to influence and take action? Because at the end of the day humanitarians will not fix the political problem. But they have a responsibility to bear witness with those who are in charge of shaping the political world, so at least they know what they are doing.

Speaking out is not necessarily influence. What kind of speaking out will generate influence? What kind of message, to whom, how do we have to engage when we are confronted with those situations?

I think James has mentioned that we have tried to operate this mechanism through the creation of new institutions in the aftermath of the Second World War, and at the same time we find ourselves struggling with the same question:

How do we bring outrageous violations of international humanitarian law to the attention of responsible governments in order to influence and take action? Because at the end of the day humanitarians will not fix the political problem. But they have a responsibility to bear witness with those who are in charge of shaping the political world, so at least they know what they are doing.

We are spending today, at ICRC, an increasing amount of time to engage with states in order to bring humanitarian issues higher on their agenda. To ensure that what is happening is known and factored into their decision making, *that's* what I refer to as humanitarian policy.

And still I agree with all of you, we have not managed to find the adequate transmission mechanisms to allow the humanitarians to use what they know and bring it to the circles of political influence.

And so I think it would be worthwhile to reflect a little bit on, as I mentioned, where and how we have to speak in order to generate political will to act.

### Robert Singer

I'd like to broaden the discussion, and that actually brings us to the second part of this panel, and I would like to use my prerogative as moderator and ask the three of you to reflect on the following statement.

In 1995, Cornelio Sommaruga, then President of the ICRC, whom I salute on behalf of the Jewish people and the World Jewish Congress, and who is with us this evening, wrote in *The New York Times*, and I quote:

“The ICRC failed to inform the world properly about what was happening in the Nazi concentration camps, errors and omissions the ICRC deeply regrets.”

Mr. Sommaruga called it a moral defeat. Reflecting on the past and on the develop-

ments that have been discussed here this evening, how and with what tools can we, as a society, prevent such moral failures in the future?

## Deborah Lipstadt

I'm a historian and historians usually feel much safer talking about the past than trying to predict the future. Usually when they do try to predict the future, they end up being wrong.

I am therefore going to shift a little bit and not answer that as directly as you might wish.

I think that there are two things in your comment and your question that have to be acknowledged. And they also come back to what James was talking about, especially events of this past week.

There is a "900 pound gorilla" in this room, a fundamental issue that no one is really addressing. During the 30s and 40s there were many people in important positions in the ICRC, who, while they certainly did not approve of what Germany was doing to the Jews, still harbored a sentiment that those victims somehow were not quite worthy of full sympathy. They believed because those victims were Jews that somehow made them less than fully human and less than deserving of the ICRC's full concerns and full sympathies.

I am convinced that the same could be said about people in the American State Department who were convinced that these

victims had somehow brought this tragedy upon themselves. They did not "deserve" what was happening to them (being murdered) but they were not guilt-free.

This is an unequivocal manifestation of anti-Semitism. Many American officials in the U.S. State Department and beyond, who would never would have approved of Nazi persecution or argued that what the Germans were doing was the right thing. Yet they somehow felt that these people, to one degree or another, had it coming to them.

And referring to events of this past week, I don't doubt that there are people who feel that those 1200 victims and the thousands of others like them are somehow less human than we are.

**We are spending today, at ICRC, an increasing amount of time to engage with states in order to bring humanitarian issues higher on their agenda.**

I think that it is important that we break this syndrome and acknowledge our own prejudicial perceptions of the victims. At the least, those of us who harbor these prejudices must admit to that fact and address our prejudices.

And in looking back on the history of World War II we must acknowledge that within multiple neutral organizations and allied organizations – not just the ICRC – there were many people who were anti-Semitic and felt that the victims had it coming to them.

Just as an aside, which might resonate for those of you who follow American domestic politics, (generally not a very satisfying enterprise) I point to last week's remarks by the head of the FBI at the Yom Hashoa commemoration. He talked about the Germans and their allies. Not being an historian, though he certainly should have had one review his remarks, he rather unartfully referred to "countries such as Poland and Hungary" that were Germany's allies.

Of course the Polish government and many Poles were disturbed by what he said because they correctly argued it wasn't the Polish government that collaborated. There was no Polish government or internal governmental infrastructure.

I was called, I think it was by the BBC, and asked to comment. I said I wish he had said France instead of Poland. France has gotten an historical free pass concerning the deportation and persecution of the Jews. If you look at pictures of the roundups in Paris during the summer of 1942 you will see no officials in German uniforms, you will see no German Soldiers, no SS officers. They aren't there because this was all being organized and run by French authorities.

This may be an indirect way at getting at your question about improving the future; but at the very least each of us has to acknowledge the biases, prejudices, and stereotypes we bring to this issue. And we also have to acknowledge our personal, national, institutional history as the ICRC has so admirably done.

### **Robert Singer**

Before calling on Peter Maurer, I would like to say that before coming into this room we spent almost an hour discussing almost the same issue with Ronald Lauder and Peter Maurer. Some ideas were raised and exchanged, and I think that meetings of this kind are among the proper ways to move forward.

### **Peter Maurer**

Robert, I don't have an answer in the big scheme. I'll try to reflect on the angle of where I am today as the president of the ICRC and what I can do in this organization eventually to contribute to prevention.

A couple of things. First, to echo Deborah, it is our observation as well, in the places where we are active, that exclusion and discrimination are the single most important starting points to degradation of situations in societies and contexts.

The general sort of assumption in the big public debate is that poverty is the driver of violence, but we come much more often to the conclusion that the driver of violence is exclusion and discrimination.

If this is what it is, you have to try to be as close to the ground as you can in an organization like this one, as close as possible to violence and try to turn the tide at the roots.

I think ICRC, MSF and our organizations are committed to try to cope with and contain violence at the roots. And this is probably one of the most successful starting points in not ending up worse.

We see today one of the big challenges with which we are confronted, nobody goes anymore to those worst places to be there when people need help.

A lot of organizations do teller help, they guide operations from far away. And what we see, and I think remains the myth and power of this organization, is to be there and to try to cope with violence and violations at the roots, to engage with all sides and try to stem what is coming and to try to change behavior. We do that in the slums of some of the Latin American cities as we do it in Iraq and Syria, Afghanistan, many other places of the world.

The second of course, Ronald Lauder has rightly said that we are not just a relief organization, I think our aspiration is much bigger. Our aspiration is to reunite relief, law, and policy, and to bring those together in a positive dynamic.

I think it's absolutely essential. I really spend a lot of time trying to convince high contracting parties of the Geneva Conventions that they have agreed to the

fact the ICRC is more than just a relief organization. The ICRC has a responsibility to do education on the basic standards of humanity, and I think this is important in legal terms with regard to certain constituencies significant in terms of policy.

So as an institution, I think these are two elements that are close to me: to be close to victims, close to violence, to be there when you are needed, and to try to address the needs at the roots as well as to engage with those who have political responsibility in law and policy.

**Each of us has to acknowledge the biases, prejudices, and stereotypes we bring to this issue. And we also have to acknowledge our personal, national, institutional history as the ICRC has so admirably done.**

### **James Orbinski**

I think, in your own comments and even in the action of the ICRC through this very event, you're demonstrating, a very powerful principle, which is: for good to be done, good must be expected.

If we hold this principle as a basic kind of North Star, if you will, it means that the architecture of international humanitarian law – that the ICRC very much is the

guardian of, and not only the guardian but also the creator of – is always on the van guard to create new appropriate parameters for humanitarianism.

This architecture has to be made normative so that it is a normal expectation in war and in situations of crisis that the minimum standards that international humanitarian law represent – and they are not high standards – are maintained and when we have objections – regardless of

**Exclusion and discrimination are the single most important starting points to degradation of situations in societies and contexts.**

the percentage of population affected – there is a minimum standard the ICRC and others can point to, and can do so confidently.

I think the idea that you floated earlier, of engaging in humanitarian diplomacy in a much more aggressive and forward and public manner, is a very important first step.

The other thing that I would say, just reflecting on some of Deborah's comments, particularly. One of the things when I look back on my own experience in my 15 years with *Médecins Sans Frontières*, is one of the things that that's a defining

feature of the organization is an internal culture of debate, an internal culture of constant challenge, where the leadership and positions of the organization are being constantly mediated against the different perceptions of reality from within the organization.

As former President Sommaruga knows very well, it is not an easy process, but it is a process that actually keeps an organization sharp and it also allows for this very important distinction, which you recognized, between knowing and understanding. It moves the organization faster into a position of understanding. And that doesn't necessarily mean it has to encourage or allow dissent. Debate is not dissent, debate is an open engagement of ideas. An organization must still have coherence in its position, and if you are going to call yourself a member of an organization, you must assent to the formal position. But prior to the formal position, this open debate, I think is really critical, and it really does enable a much more vibrant and living form of the practice of humanitarianism.

Those are really some general comments. The other thing I would say too, and this is very difficult for an organization like ICRC that is by mandate working in situations of war and conflict, and where by mandate, and also by operational imperative, must adhere to its principles, neutrality, partiality, and independence, so that it is able to provide humanitarian assistance impartially to those in need. That said,



there are circumstances where violations of international humanitarian law need to be identified as such and need to be publicly recognized as such, and there is no greater or higher authority in the international system than the ICRC.

And I do believe this is a new responsibility that you are looking take on.

### **Robert Singer**

I don't think we could have had better panelists than we had this evening. I want to acknowledge that Professor Lipstadt came especially for this panel from Columbus, Ohio, and from Atlanta, and that James flew in from Toronto.

I would also like to acknowledge that in this room we now have representatives from some 45 diplomatic missions, as well as prominent personalities from academia, and I'm especially happy to see so many young people listen to this debate. And I want to once again commend the ICRC for having this open debate here at this time.

### **Alexander Dembitz**

The international system is broken. It doesn't really work, does it? The world doesn't have any means of stopping genocide. It's astonishing what *Médecins Sans Frontières* does, what the ICRC does. But it's like closing the barn door after the horse has bolted. It's not in this forum, of course, that anyone can hope to repair

the international system. But people are dying day in day out. Genocide goes on throughout the world. And because the international system is as it is, we are running after ourselves. The critical question, therefore, is: What can be done?

**Debate is not dissent, debate is an open engagement of ideas. An organization must still have coherence in its position, and if you are going to call yourself a member of an organization, you must assent to the formal position. But prior to the formal position, this open debate, I think is really critical, and it really does enable a much more vibrant and living form of the practice of humanitarianism.**

### **Peter Maurer**

There is no one recipe on what can be done. I agree that what we are witnessing at the present moment and in the past couple of years and which translates into more humanitarian needs, displacement, violations of law, is also a reflection, I agree, that the international system and institutions we've created are not able at the present moment to cope with the number of problems and to contain and to ensure respect of some of the laws and conventions that have been agreed upon beforehand.

The question is not actually one to ask a humanitarian operator. I can tell you what we do in mitigating the effects of the situation. The question is, what can we do where we live in order to generate political consensus, political will, in order to address some of those problems. I think that's the approach which we have to take.

On the other side, from the humanitarian side, what we can do is try to inject some elements of stability into a world which is out of control and into societies that are deeply destabilized. That's what humanitarian action can do – prevent even worse.

When we do what we do in Syria – it's one of the biggest operations – it's to prevent more refugees from drowning in the Mediterranean. If we try to scale up and tirelessly negotiate access into places of Iraq and to cope with all those impacts of violence that we have, it's trying to prevent worse, to mitigate effects, to stabilize, and to bring some minimal life and livelihood into societies so they can reconstitute themselves.

And if I may be a little more pointed, if I may also criticize the angle that you take, I think we have to also ask the question of what works, and build up and scale up what works. It's not that we live in a world where everything is a failure. There are things that work, we just need more of them. We need critical mass in order to have it known. We need to improve and whatever, but I think it's important that we

do not just call on big politics to set the stage and fix the issues. There is a lot that can be done bottom up.

Culturally, this is still a very Swiss organization, and that means that we believe strongly in reconstituting and constituting political life bottom up and trying to stabilize and to bring normalcy to society by generating consensus at the bottom and not necessarily at the top. That's our methodology, that's what we offer and try to do and contribute. More of it wouldn't hurt.

### **James Orbinski**

Your observation is quite correct. We have essentially 20<sup>th</sup> century institutions, designed for mid-20<sup>th</sup> century reality, being used as remnant institutions in a 21<sup>st</sup> century world. So we clearly do need reform. We've also moved from a bipolar to a unipolar, and now to a multipolar world.

And you're absolutely right, there are many forms of crisis, and not simply in humanitarianism, but in energy policy, climate change, food security, international financial stability, and on and on.

What *can* be done? I think the first thing, the most important thing, is to recognize the scope of your responsibility – your sphere, your domain – and not try to enter into all other domains. And in the scope of humanitarianism, I think there is no other organization that has the moral authority that the ICRC has. And, the practical and

operational and political skill the ICRC has.

And that said, we really are at a point where initiative is the answer. So we have to try different things, generate a range of experiments, and look to see which one, or which sum, take hold.

And just to, again, emphasize the great idea that you're developing inside the ICRC, of humanitarian diplomacy, I think this is a very very important initiative and it could be coupled with other initiatives like creating multiple platforms to explore the meaning of, let's say, Islamic conceptions of humanitarianism and humanitarian law, and actually bringing that to the public domain. Not simply for the West or non-Islamic communities, but also for the Islamic community, so that they themselves become part of the normative process that actually contains the wrong that is clearly becoming evident through for example, ISIL.

And so initiative is the critical idea. And in doing so, from a number of different perspectives with a view to creating different experiments, to see what takes hold, and the effect of that can be quiet catalytic in other domains, in domains that aren't necessarily in the humanitarian.

### **Peter Maurer**

I'll just give one example for this because you mentioned humanitarian law and Islam, and I think this is typical an area where ICRC, over the last ten years, be-

cause of our operational exposure in the Islamic world, has engaged a lot.

What is it all about? It is about translating into other value systems what has been framed and generated by the Geneva Conventions, and it's quite advanced what we have done in many societies and I'll give you one practical example which illustrates what you say, James.

We have worked with a lot of Islamic clerics to find the adequacy of Islamic law in the Geneva Conventions international humanitarian law.

And we managed through our diplomacy to get in contact with leading Islamic scholars, in this case Shia scholars, the Ayatollah Ali al Sistani in Najaf, and he was operational to open doors to talk to Shia fighters in Iraq about international humanitarian law and their behavior in the battlefield.

It just shows that it's typical one of those issues of translations, of combination, of knowledge of the law, of spreading the laws, of using the law in terms of a diplomatic initiative and trying to enter doors or crack walls which are still fixed.

It's an interesting example, many more could be told. But I agree with you that it's good to work in the area where you are and try to figure out what kind of initiatives have the clout of changing the tide.

We don't have to create a perfect world but we have to change the tide.

## Cornelio Sommaruga

I thank the keynote speakers and panelists for all they brought to us tonight, and to me particularly, because I learned a lot.

Tonight, you quoted the statement I made on the 25<sup>th</sup> of January, 1995, in Krakow before going to Auschwitz. You may be interested in understanding why I came to make that controversial statement so many years ago.

As a child, I was very much impressed by the consequences of the Holocaust. In Italy my father worked at the Swiss legation in Rome and tried to hide several friends, Jews, in our apartment. Similarly, my wife's family, who lived on the lake of Lugano, had been working on bringing Jews from Italy to Switzerland under the cover of night.

I should perhaps say that, as a child, I was very much impressed by the consequences of the Holocaust. In Italy my father worked at the Swiss legation in Rome and tried to hide several friends, Jews, in our apartment. Similarly, my wife's family, who lived on the lake of Lugano, had been working on bringing Jews from Italy to Switzerland under the cover of night.

This is to give you a certain background on my early exposure to taking action during the Holocaust. When I came to the ICRC, I was confronted with the book by Jean-Claude Favez, *The Red Cross and the Holocaust*, and I had to react – I had to react institutionally. And I did that, I wrote a letter discussing my views on Favez's critique.

But personally, I was not satisfied. I had always wished I said more.

Those who know me from my time as president of the ICRC know that I was very outspoken and took firm positions on controversial situations. I was often called to order by different colleagues and collaborators because, they believed, my candor was endangering our delegates in the field.

However, the visits that I made to the US Holocaust Memorial Museum in Washington, Yad Vashem in Israel, and the Wiener Library in London, convinced me that I couldn't continue to be silent. The occasion for me to speak out came at this meeting in Krakow, convened by Lech Walesa, the President of Poland, in the presence of heads of countries whose nationals had been prisoners in Auschwitz. The ICRC had been invited because of its Nobel Peace Prizes.

I had not planned to make a statement during the conference. But after listening to two papers that were presented there

and wishing to help find a solution, I knew I couldn't simply speak about these papers without coming out with what I had, in fact, thought because of the ICRC past. And so, on that occasion, I made the unplanned statement that you have quoted perfectly. I had no authority to do so in the name of the committee.

But, as impetuous as it seems, my action communicates a message. I'd like to insist it proves a point, because of something that my friend and successor Peter Maurer said.

"This is the moral part of the responsibility of the ICRC." I am a lawyer and when I started at the ICRC, I had my motto, it was constancy, rigorousness, and humility. Rigorousness was to look at the international law – you should always go in this direction.

No! In theory, it is true, but in practice, I understood I had to go further than the law.

There are certain situations where you have to speak out without looking at the details of the law. This thought process motivated my action during this conference, and has guided me through many other occasions, notably the Yugoslav conflict.

Now, dear friends, you understand the reflections behind my decisions during my presidency. I'm very glad that I did that in 1995.

## **Deborah Lipstadt**

If I may respond in order to highlight something you said. I refer, not to the important historical information you shared with us, but to your introductory remarks. You started by noting that you grew up in Italy where your father was a diplomat, and your parents tried to save some Jews in their home. Then when you met your wife you discovered she had the same experience in her home.

I just want to point out that, though there are institutional forces that shape us – such as the schools we attend – and determine whom we will grow up to be, there is yet another critically important source, namely the homes in which we are raised and the role models we see within those homes. While we need institutions to fight prejudice and teach tolerance, if it doesn't start at home and the lessons that are learned there, I'm not sure the institutions can really address the situation.

So I thank you for that important expression. I value the historical data but I treasure the autobiographical context.

## **Robert Singer**

I'd like to thank our speakers and say a few words on behalf of the World Jewish Congress. We just came, as President Lauder mentioned, from the commemoration of the 70<sup>th</sup> anniversary of the

liberation of Bergen-Belsen, and these panelists, among other things, are a tribute to those who were killed there, and this open discussion that are were engaged in here is also a tribute to them.

I think it's only symbolic that the first public event of the World Jewish Congress since the reactivation of our Geneva office is taking place in the premises of the ICRC. I would like once again to thank you very much for this.

As President Lauder said, the World Jewish Congress has undertaken not to be silent. He is speaking on behalf of Jewish communities worldwide, all of us at the World Jewish Congress are speaking on behalf of Jewish communities worldwide, in the face of atrocities happening in different parts of world, so that what happened during the Holocaust not be allowed to happen again.

Discussions such as the one we had here this evening are very, very important.

On the one hand, they allow us to reflect on our past, but on the other hand, they also force us to look forward to the future. And I think this is only the beginning of the discussion. ■

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This publication has been edited by Menachem Z. Rosensaft

# REMEMBERING THE SHOAH

## THE ICRC AND THE INTERNATIONAL COMMUNITY'S EFFORTS IN RESPONDING TO GENOCIDE AND PROTECTING CIVILIANS

On April 28, 2015, the International Committee of the Red Cross (ICRC) and the World Jewish Congress held an event in the Humanitarium at ICRC headquarters in Geneva to mark 70 years since the end of the Shoah, which saw the death of millions of Jews as the result of a systematic genocidal policy. During this period, the Third Reich also persecuted countless members of minorities and other groups. The ICRC, although particularly active during the Second World War with more than 50 delegations in operation, failed to vigorously address the plight of victims of the Nazi regime and its allies. The discussion provided an occasion to share lessons learned by the ICRC and the international community in terms of the development of legal and political tools to prevent and respond to large-scale atrocities. The historical perspective paved the way for a forward-looking reflection on genocide prevention and civilian protection.

**How far have we come since the end of the Shoah in 1945 and the subsequent drafting of the 1949 Geneva Conventions, and how far do we still have to go?**