

THE ROLE OF PROCEDURAL JUSTICE IN INTERNATIONAL TRIBUNALS:  
A STUDY OF SIX INTERNATIONAL TRIBUNALS AND THEIR  
PROSECUTION OF PERPETRATORS  
OF GENOCIDE

by

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## ABSTRACT

Genocide studies have recently become an academic phenomenon. However, it is a field that is lacking a criminological perspective. In retrospect, one finds that the field of criminology has also largely neglected to study the crime of genocide. This study attempts to close this gap by adding to the current, yet limited, research regarding procedural justice in international tribunals aimed at prosecuting perpetrators of genocide. This study uses Tom Tyler's (1990) theory of procedural justice, focusing on three of the primary principles (1) voice, (2) neutrality in decision-making, and (3) trustworthy actions and concern for those without power to analyze the arguments of fair and just tribunals that followed six of the world's largest genocides. The six tribunals included are the Turkish Military Tribunal that followed the Armenian genocide, the International Military Tribunal of the Nuremberg Trials which followed the Holocaust, the first court that followed the Indonesian genocide, the Extraordinary Chambers in the Courts of Cambodia which followed the Cambodian genocide, the International Criminal Tribunal for the former Yugoslavia that followed the ethnic cleansing in Yugoslavia, and the International Criminal Tribunal for Rwanda that followed the Rwandan genocide.

*Keywords:* genocide, procedural justice, Rwandan genocide, Yugoslavia ethnic cleansing, Cambodian genocide, Holocaust, Indonesian genocide, Armenian genocide

## DEDICATION

I am honored to dedicate my thesis to my wonderful friends and family who supported, my amazing and supportive partner, Charles, and to our outstanding dogs

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## CHAPTER ONE

### INTRODUCTION

Genocide has occurred throughout time and has been perpetrated by groups and leaders from many different cultures and backgrounds. Typically, genocide has been rooted in religious and political agendas and even today many of the genocides that are currently occurring are still rooted in religious and political agendas. Although the act and crime of genocide has existed for centuries, the discussion of genocide and the act of prosecuting those who perpetrate the crime of genocide is a fairly recent concept. The discussion of coining a term to explain the state sanctioned mass murders of targeted groups began shortly before the end of the Holocaust during World War II and was initiated by Raphael Lemkin (Jacobs, 1999). Discussion of coining the term genocide also marked the catalyst for developing uniform ways in which to prosecute these perpetrators. The methods that international organizations have taken to prosecute perpetrators have changed and shifted over time. With prosecution of genocide perpetrators and international criminal courts and tribunals being established, concerns and criticisms are also raised regarding the fairness of the court proceedings, convictions, and sentencings issued by the court and the branches within each court (e.g. prosecution, defense, and judges).

This study will answer two research questions: (1) how have the processes of procedural justice and their components developed over time in the international tribunals that try perpetrators of genocide and (2) do these court proceedings ensure that justice is served based on the components of procedural justice? If not, what policies could address this problem? In order to address the research questions, six genocidal events have been selected to be analyzed,

including the Armenian genocide in the former Ottoman Empire (1915-1917), the Holocaust (1941-1945), the Indonesian genocide (1965-1966), the Cambodian genocide (1975-1978), the Rwandan genocide (1994), and the ethnic cleansing in the former Yugoslavia (1992-1995).

These six events were selected to analyze the evolution of international courts that try perpetrators of genocide over time. The Armenian genocide was selected since it resulted in the first tribunal that was used to attempt to prosecute perpetrators of genocide. The Holocaust was selected because the Nuremberg Trials that followed are the most well-known international tribunals following a genocide and were the catalyst for the development of courts systems to prosecute crimes against humanity. The Indonesian and Cambodian genocide were selected since the courts that addressed the events were courts within Indonesia and Cambodia. Rwanda and the former Yugoslavia were selected because they were both cases tried in international criminal tribunals.

The following variables will be gathered from each of the trials and court proceedings to analyze whether or the court proceedings employed components of procedural justice: (1) country in which trials occurred, (2) was there a jury, (3) nationalities of jury members, (4) nationalities of judge(s), (5) nationalities of prosecutors, (6) nationalities of defendants, (7) whether or not survivors were able to participate in court proceedings, (8) whether or not the defendants were able to participate in court proceedings, (9) number guilty or innocent convictions, (10) sentences for perpetrator(s), (11) were appeals made, (12) number of appeals, (13) were the convictions and sentences upheld or overturned, (14) country event occurred in, (15) dates, (16) number of victims, and (17) the number of perpetrators indicted.

### **Who is Raphael Lemkin?**

Raphael Lemkin was the son of a Jewish farmer, born in 1900 in Eastern Poland. In his university studies, Lemkin pursued degrees of laws from the Universities of Lwow (Poland) and Heidelberg (Germany) (Jacobs, 1999). Lemkin studied the atrocities of the Armenian genocide and was moved to combat the crime that would later come to be known as genocide. In 1933, Lemkin journeyed to Spain to appeal to the League of Nations, established after World War I, proposing “a ban on mass slaughter” (Jacobs, 1999, p. 106). Unfortunately, Lemkin was barred from the meeting with the League of Nations and the League of Nations was not moved enough to enact the proposed ban. During World War II, Lemkin sought membership with the Poland resistance and then fled to the United States in 1941. While in the United States, Lemkin taught law and served as an advisor to the War Department and Board of Economic Warfare. At the end of World War II, Lemkin also served as an advisor to Justice Robert H. Jackson while he served at the International Military Tribunal during the Nuremberg Trials. Lemkin is best known for his push with the United Nations to coin the term genocide and pass legislation that would guarantee the punishment of genocide. Lemkin was successful in getting the United Nations to pass the resolution that Lemkin suggested in their 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which took effect in 1951. Despite his contribution, Lemkin died poor and alone in 1959.

### **What is Genocide?**

Genocide has existed since the beginning of human existence and is considered the gravest crime that one can commit (Whitaker, 1985). However, the actual term of genocide has existed since the early 1940s, due to work and advocating of Raphael Lemkin (Cooke-Welling, 2012; Segesser & Gessler, 2005). Before Lemkin, Winston Churchill referred to the crime of

genocide as a “crime without a name” (Jones, 2006, p. 8). On December 9, 1948; the United Nations had their declaration on the prevention and punishment of genocide approved by the General Assembly, which became enforceable on January 12, 1951 (United Nations, 1951; Whitaker, 1985). This declaration was the first to list genocide as a punishable offense that goes against international law and thus placed the responsibility on the states to prevent and punish. The declaration that resulted from the convention also provided the first universal definition of genocide.

The United Nations’ Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as:

...any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group such as: (a) killing members of the groups; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the groups; (e) forcibly transferring children of the group to another group. (Aksar, 2003; Jones, 2006, pp. 12-13; Lippman, 2002, p. 181; Morton & Singh, 2003, p.55; United Nations, 1951, p. 1; United Nations, 2010, p. 2).

This definition has faced some criticism from academics and scholars due to the lack of definitions regarding national, ethnical, racial, or religious groups, as well as the exclusion of other groups, particularly political groups (Cooke-Welling, 2012; Jones, 2006). Several scholars have proposed their definitions to address the criticisms of the United Nations’ Convention on the Prevention and Punishment of the Crime of Genocide over the past 60 years.

Table 1. *Scholarly Definitions of Genocide (Jones, 2006, pp. 15-18)*

<p>“Genocide is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectively as such.” -<b>Peter Drost (1959)</b></p>
<p>“Genocide is the successful attempt by a dominant group, vested with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision of genocide.” – <b>Vahakn Dadrian (1975)</b></p>

“[Genocide is] a structural and systematic destruction of innocent people by a state bureaucratic apparatus...Genocide represents a systematic effort over time to liquidate a national population, usually a minority...[and] functions as a fundamental political policy to assume conformity and participation of the citizenry.” – **Irving Louis Horowitz (1976)**

“I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic, or religious differences. Then too, the genocides against racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict. However, I do not think it helpful to create new definitions of genocide when there is an internationally recognized definition and a Genocide Convention which might become the basis for some effective action, however limited the underlying conception. But since it would vitiate the analysis to exclude political groups, I shall refer freely...to liquidating or exterminatory actions against them” –**Leo Kuper (1981)**

“Genocide is the deliberate destruction, in whole or in part, by a government or its agents, of a racial, sexual, religious, tribal or political minority. It can involve not only mass murder, but also starvation. Forced deportation, and political, economic, and biological subjugation. Genocide involves three major components: ideology, technology, and bureaucracy/organization.” –**Jack Nusan Porter (1982)**

“N.B. Bauer distinguishes between ‘genocide’ and ‘holocaust’: ‘[Genocide is] the planned destruction, since the mid-nineteenth century, of a racial, national, or ethnic group as such, by the following means: (a) select mass murder of elites or parts of the population; (b) elimination of national (racial, ethnic) culture and religious life with the intent of ‘denationalization’; (c) enslavement, with the same intent, (d) destruction of national (racial, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent...[Holocaust is] the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group.” –**Yehuda Bauer (1984)**

“Genocide is the extent of destruction of a social collectively by whatever agents, with whatever intentions, by purposive actions which fall outside the recognized conventions of legitimate warfare.” –**John L. Thompson and Gail A. Quets (1987)**

“Genocide is the deliberate, organized destruction, in whole or in large part, of racial or ethnic groups by a government or its agents. It can involve not only mass murder, but also forced deportation (ethnic cleansing), systematic rape, and economic and biological subjugation.” – **Isidor Wallimann and Michael N. Dobkowski (1987)**

“Genocide is any act that puts the very existence of a group in jeopardy.” –**Henry Huttenbach (1988)**

“Genocide is a series of purposeful actions by a perpetrator(s) to destroy a collectively through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity.” –**Helen Fein (1988)**

<p>“Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.” –<b>Frank Chalk and Kurt Jonassohn (1990)</b></p>
<p>“Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim.” –<b>Helen Fein (1993)</b></p>
<p>“[Genocide is] the actualization of the intent. However successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means.” –<b>Steven T. Katz (1994)</b></p>
<p>“Genocide in the generic sense means the mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness [<i>sic</i>] of the victim.” –<b>Israel Charny (1994)</b></p>
<p>“Genocide is herein defined as a <i>structural and systematic destruction of innocent people by a state bureaucratic apparatus</i>... Genocide means the physical dismemberment and liquidation of people on large scales, an attempt by those who rule to achieve the total elimination of a subject people.” –<b>Irving Louis Horowitz (1996)</b></p>
<p>“Genocides and politicides are the promotion, execution, and/or implied consent of sustained policies by governing elites or their agents – or, in the case of civil war, either of the contending authorities – that are intended to destroy, in whole or part, a communal, political, or politicized ethnic group.” –<b>Barbara Harff (2003)</b></p>

Despite the criticisms the United Nations’ definition has received, its definition for genocide is still universally accepted and is used in both Statutes of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda (Aksar, 2003).

Furthermore, though it is not included in the definition of genocide set forth by the United Nations’ Convention on the Prosecution and Prevention of Genocide, Lemkin (1944 as cited in Earl, 2013) noted that genocide:

‘does not necessarily mean the immediate destruction’ of a group, rather it first involves ‘different actions’ aimed ‘at the destruction of essential foundation of the life of national groups...the objective’ of which would be ‘the disintegration of the political and social institutions, of culture language, national feelings, religion, and the economic existence of national groups, and the destruction of personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups’ (pp. 320-321).

Additionally, Lemkin stated that genocide can happen in one singular event or could take place in several different incidents over a span of time.

The United Nations Office of the Special Adviser on the Prevention of Genocide (2010) states that it is common for genocide to occur in societies “in which different national, racial, ethnic, or religious groups become locked in identity-related conflicts” (p. 2). It is worth mentioning that the differences between the groups (i.e. religious beliefs, cultural beliefs, etc.) are not what causes the genocide. Instead, it is the inequalities that come with the differences, often directed towards the “inferior” group by the “superior” group, such as access to power and fundamental human rights and freedoms (United Nations, 2010). Since genocide can also occur during peace, these inequalities aimed at the “inferior” groups often are implemented through long-term state policies and practices that affect the ability of the targeted group to survive as an identity group.

The Office of Special Adviser on the Prevention of Genocide lists eight risk factors that increase the risk of genocide occurring: (1) tense inter-group relations, (2) weak institutional capacity to prevent genocide, (3) the presence of illegal arms/armed elements, (4) underlying political economic, military or other motivation to target a group, (5) circumstances that facilitate perpetration of genocide, (6) acts that could be elements of genocides, (7) evidence of the ‘intent to destroy in whole or in part,’ and (8) triggering factors (United Nations, 2010). Tense inter-group relations between two or more groups typically refers to acts or policies that discriminate upon an “inferior” groups or infringe upon their fundamental human rights. According to the Office of Special Adviser (2010), a weak institutional capacity to prevent genocide includes a “lack of an independent judiciary, ineffective national human rights institutions, the absence of international actors capable of protecting vulnerable groups, and a lack of impartial security forces and media” (p. 8). Additionally, the Office of Special Adviser (2010), refer to circumstances that facilitate genocide as immediate or strengthening of a state’s military. Finally,

possible elements of genocide include killings, disappearances, ethnic cleansing, torture, and rape.

In the following article of the Convention, article three, it lists the offenses, related to genocide that will be punishable under the declaration; including, “(a) genocide, (b) conspiracy to commit genocide, (c) direct and public incitement to commit genocide, (d) attempt to commit genocides, (e) complicity in genocide” (United Nations, 1951, pp. 1-2; Whitaker, 1985). Article four makes it clear that the declaration applies to more than heads of governments. Public officials and private individuals who partake in carrying out the genocidal acts can and also will be held responsible under the Convention (Whitaker, 1985). Further, in article six, the declaration states that any persons who are being charged with committing or attempting to commit any acts of genocides will be tried “by a competent tribunal of the State in the territory of which the act was committed, or by any such international penal tribunal” (United Nations, 1951, p. 2; Whitaker, 1985).

To fulfill the duties outlined in this article, the formation of criminal tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTR), began. In 2002, following the Rome Statute, the formation of the present-day International Criminal Court (ICC) began (Elsea, 2003). To strengthen the authority of the ICC, the United Nations introduced three pillars to prevent genocide at the 2005 United Nations World Summit. The first pillar states that the primary responsibility for protecting vulnerable populations from genocide falls on the state. Second, the international community also has a responsibility in aiding countries to fulfill this responsibility. The third and final pillar says that the international community “has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations,” especially if the state fails at protecting

their people (United Nations, 2010, p. 4). International criminal tribunals and courts are a relatively modern concept to prosecuting perpetrators of genocide and crimes against humanity. The catalyst for forming a court to try these crimes was the Nuremberg Trials that followed the Holocaust at the end of World War II.

### **Genocide v. Crimes Against Humanity**

It is important to note the difference between genocide and crimes against humanity. According to McLaughlin (2006 as cited in Cooke-Welling, 2012) and Aksar (2003), genocide differs from crimes against humanity since crimes against humanity “do not require an ‘intent to eradicate, or attempt to eradicate, a national, ethnic, racial or religious group by mass murder’” (p. 76). The Charter that emerged from the Four Power London Agreement of 1945 defines crimes against humanity as:

...namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction..., whether or not in violation of domestic law of the country where perpetrated (Meltzer, 2002, p. 562; Olusanya, 2005, p. 25)

However, for the subcategory persecution of crimes against humanity, there must be intent, which is identified as “discriminatory intent” and not “genocide intent” (Aksar, 2003, p. 213). Furthermore, the crime of genocide has to be committed “as part of a widespread or systematic attack” that is directed toward an ostracized and targeted community with the knowledge to carry out such an attack (Aksar, 2003). While victims of genocide are most often recognized as a community, it can be hard to remember that the victims are also individual people who just happened to be members of these communities. This is primarily due to the large numbers of victims that result from genocide and related to the difference in the *actus reus* (physical act of committing a crime) and the *mens rea* (the thought/intention of committing a crime). The mens

rea component of genocide is directed towards the community being targeted by the perpetrators. However, the actus reus is inflicted upon individuals (Aksar, 2003). Additionally, genocide is a separate event from other war crimes since genocide can occur during war times and during peace times (Lippman, 2002; United Nations, 1951; United Nations, 2010).

The sample events for this study include the Armenian genocide, the Holocaust, the Indonesia genocide, the Cambodia genocide, the ethnic cleansing in the former Yugoslavia, and the Rwandan genocide. These events were selected for their chronological timeline of the development of these international criminal tribunals/courts. Before one can analyze the trials that followed, a brief historical background is necessary.

### **Armenian Genocide**

The Ottoman Empire existed over 600 years and was first established in 1294 by Osman I, a Turkish tribal leader. At the peak of its history, the Ottoman Empire ruled lands of southeastern Europe, most of North Africa, into the Middle East, and Turkey (Badertscher, 2009). The region that is now known as modern-day Armenia was once ruled by the Ottoman Empire. The Armenians are one of the world's oldest living communities and "have inhabited the southern Caucasus region" for around 3,000 years (Jones, 2006, p. 102).

Armenians are also one of the oldest surviving Christianized communities, having become Christians early in the first millennium. The Armenians have also been able to conserve their Christian faith, despite imperial rules and living within an Islamic dominated empire.

Historically, Armenia is known as being the first country in the area known as Asia Minor (the geographical region in the crossroads of the continents of Africa, Asia, and Europe) to become a Christian Nation (Whitehorn, 2015).

The nineteenth century marked the end of the Ottoman Empire. According to Jones (2006), three key factors affected the Armenian genocide. First was the dwindling of the Ottoman Empire. The takeover of Islamic conservatism in the Ottoman Empire in the mid-eighteenth century hindered the progression that the empire had been making and slowly took control over the provinces within the empire (Badertscher, 2009). Within the first 30 years of the nineteenth century, the Ottoman Empire lost their control over Egypt, Greece, Serbia, Mingrelia (modern-day Georgia), Bessarabia (parts of modern day Moldova and Ukraine), and Abaza (modern-day region of Russia near the Caucasus mountains). Later, in 1878, the Ottoman Empire surrendered their control over Cyprus, Bosnia and Herzegovina, Ardahan (in Turkey), Bulgaria, and Kars (Turkey). Between 1912 and 1913, the empire further lost Libya, Macedonia, and Albania (Jones, 2006).

Second was the vulnerability of the Armenians within the Ottoman Empire. During the nineteenth century, equality before the law became a primary issue in discussion regarding the future of the Ottoman Empire. During this time, minorities such as the Armenians had some autonomy within the Ottoman Empire, but often faced disadvantages (i.e. economic discrimination, and humiliation at the hands of the Turks). However, persecutions were not common during this time (Segesser, 2008). Finally, there was the outbreak of World War I. During this period, the Ottoman Empire was facing invasions by the Allied troops, particularly the Soviet Union (Jones, 2006).

The drastic reduction in territory by the Ottoman Empire and the threat of military invasion created a feeling of mistrust by Turks against outside interference by other nations. During the 1870's, Great Britain and Russia attempted to intervene in the relations of the Christian Armenians and thus changed the views of the Armenians from a minority that can be

tolerated to an enemy that must be destroyed (Jones, 2006). Before the Armenian genocide, between 1894 and 1896, massacres against Armenians in the Ottoman Empire occurred. These massacres resulted in the deaths of 80,000 to 100,000 Armenians (Segesser, 2008; Rubinstein, 2004). During this time, other states (the United States, Great Britain, and other European nations) were aware of the atrocities that were being committed against Armenians and other minorities in the Ottoman Empire and were appalled. In the United States, the *New York Times* published 145 articles about the atrocities that were happening against the minorities in the Ottoman Empire, without ever demanding actions to be taken against the Turks who were responsible (Segesser, 2008). Despite these reactions, the governments of these countries failed to demand actions be taken against the Ottoman Empire and Turks and thus failed to prevent the future genocide (Segesser, 2008).



Figure 1. *Map of the Armenian Genocide*

Early in the twentieth century, the ruling sultanate of the Ottoman Empire was overthrown by the Young Turks and shortly after the Young Turks came to power, Muslims and non-Muslims minorities experienced a fairly harmonic life together, and non-Muslim minorities were granted full constitutional rights (Jones, 2006). Problems began to arise when the clear cut differences between the liberal-democratic and authoritarian Ottoman Empire leaders, also known as the Committee of Union Progress (CUP), began to arise. Within CUP, the Ottoman leaders were envisioning a rejuvenated Ottoman Empire that would unify all Turks; however, this vision did not include non-Muslims minorities. In January 1913, following defeats in the Balkans, the extremists within CUP staged another coup, and successfully overthrew the moderate leadership and established their *de facto* dictatorship. The trio of the new ruling leaders, the “Minister of Internal Affairs Talat Pasha; Minister of War Enver Pasha; and Minister of the Navy Jemal Pasha” formed the Special Organization that would plan and supervise the forthcoming genocide (Jones, 2006, p.105).

On October 29, 1914, Turkish forces reneged on their neutrality during World War I by carrying out a surprise attack against Russian fleets and erecting coastal installations in the Black Sea. Shortly after the Soviet Union’s declaration of war against the Ottoman Empire, France and England declared war as well (Dadrian, 1997). In 1915, Turkey was facing an invasion by Allied forces, and this threat fueled the anti-Armenian sentiments of the Turks and resulted in an attack against the Armenians. Attacks and hatred towards Armenians were preceded by attacks on other minorities. Before the persecution of the Armenians in the Ottoman Empire, the Christian Greeks had been facing persecution since the Second Balkan War of 1913. Syrians and Slavs were also targeted for persecution in other regions throughout the Ottoman Empire (Segesser, 2008). Ethnic Kurds were also victims of the extermination policies introduced by the Young Turks,

during and following World War I. Around 700,000 Kurds were removed from their homes and were displaced. Eventually, half of those Kurds displaced did not survive (Schaller & Zimmer, 2008).

The actual genocide began on April 24, 1915, when Turkish military forces rounded up hundreds of Armenian notables and imprisoned them. While imprisoned, a majority of the notables were tortured and were forced to work hard labor until they died or were murdered. Following these murders, Armenian men were targeted, and Armenian men of “battle-age” who were not already enlisted in the Ottoman military were conscripted. Armenians enlisted in the Ottoman military lost their ability to carry weaponry and were forced to perform hard labor and were eventually worked to death. Turks targeted Armenian notables and men first, to eliminate any threat of mobilization to fight back. Three months after the beginning of the genocide, around 200,000 Armenian men had been exterminated.

Next, the Turks continued the genocide by targeting the remain Armenians: primarily women and children. The CUP passed the *Temporary Law of Deportation* and the *Temporary Law of Confiscation and Expropriation*. These temporary laws had remaining Armenians within the Ottoman Empire deported to “safe havens.” Prior to deportations, Armenians were given a short amount of time to gather belongings to take with them and sell their remaining belongings cheaply (Jones, 2006; Rubinstein, 2004). During this period, thousands of Armenian children and women were kidnapped by Turks. Women were used as servants and/or sex-slaves while the children were forcefully converted to Islam and then raised as Turks (Jones, 2006). After the deportation, Turks would congregate in the now barren areas and loot and pillage through the cities/towns. Armenian churches, monuments, and other buildings were destroyed, graves were

desecrated and plowed under, entire quarters that once housed Armenians were either torn completely down or re-occupied and re-named by Turks.

Deportations were carried out as either death marches or in overcrowded trains that were heading to abandon Armenians in the Deir el-Zor desert wasteland in Syria. The conditions of either method of deportation were abhorrent and ensured that thousands of Armenians who had not been kidnapped would die en route to their new “safe havens.” For those few who survived the deportations, their physical state when reaching their new destinations was often so poor that they would then die soon after. Ottoman rulers also enlisted the services of *chétés*, which were bands of violent convicts who were initially released from their imprisonments to fight the Russians. Now, the *chétés* were being used to slaughter Armenians.

Jones (2006) reports, “between half and two-thirds of Ottoman Armenians had been exterminated” by the year 1917 (p. 112). However, massacres of Armenians continued. Towards the end of World War I, Turkish forces invaded Russia and occupied parts where Armenians lived. Turks continued their extermination of Armenians and killed 200,000 additional Armenians within the Soviet Union within five months (Jones, 2006). The end of World War I saw the defeat of Turkey and the collapse of the remaining Ottoman Empire. In 1918, an independent Armenian Republic was established within Russia territory. Shortly after, the 1920 Treaty of Sèvres formalized the creation of an independent Armenian nation (Jones, 2006; Segesser, 2008). United States President Woodrow Wilson personally oversaw the mapping of the new Armenian nation which included regions that were once part of the Ottoman Empire in Turkey. Turkey’s new leader Ataturk Mustafa Kemal, who had been able to manage a quick political recovery, repudiated the Treaty of Sèvres and then invaded and reconquered six provinces that had once been part of the Ottoman Empire and were now a part of the new

Armenian nation. The Soviet Union then took control of the remaining regions of the Armenian state.

Following the Armenian genocide and World War I, and prior to the reconquering of provinces by Turkey, the first tribunal to prosecute perpetrators of crimes against humanity, war crimes, and (indirectly) genocide was established to try Turkish war criminals, at the insistence of the British (Dadrian, 1997; Jones, 2006). The Special Military Tribunal heard six series of trials. First was the Yozgat Trial Series, which heard cases of those responsible for carrying out the massacres that occurred in the Yozgat district. The Yozgat district was located in the province of Ankra and had three counties that made up Yozgat: Boğazhyan, Akdağ Madeni, and Yozgat. The massacres of this district saw 31,147 Armenians of the total 33,133 deported, with only 88 recorded survivors (Dadrian, 1997). The second trial series was the Trabzon trial series. This series heard the cases of massacres within the Trabzon province of the Ottoman Empire. Within this province, there were four districts: Trabzon, Samsun, Gümüşhane, and Rize. In addition to Armenians, Greeks and Lazes also reside in this province; bringing the total minority population to 40,000+ (Dadrian, 1997). Dadrian (1997) did not provide any statistics to illustrate how many targeted minorities in the Trabzon district perished, but based on the large numbers of victims from other districts, it is safe to assume that majority of them did not survive. The third and fourth series were the Bayburt trial series and the Erzincan trial series (Dadrian, 1999).

The final two trials series were those of the Responsible Secretaries and the wartime cabinet ministers and top Ittihadist leaders. These two series focused on the individuals in higher up authoritative positions (Dadrian, 1997). These trials indicted over one hundred of former government officials and several were convicted and sentenced. While these trials were the first of their kind and first occurred with support from the Allied occupants of the Ottoman Empire,

they were soon abandoned in the face of Turkish resistance (Jones, 2006). As a result of the abandonment of the trials, Armenians militants turned to vigilante justices against Talat Pasha, Enver Pasha, and Jemal Pasha who were all assassinated between 1921 and 1922 (Jones, 2006). To date, majority of Turks still deny that the Armenian genocide ever occurred.

More in-depth information regarding the trials will be discussed later in this study.

## **Holocaust**

The Holocaust occurred predominantly in Germany between the years 1933 and 1946. Despite only taking place over a 13-year span, the tensions that led up to the Holocaust were deeply rooted in centuries of history. For many centuries, Jews faced discrimination and prejudice within Christian dominated Europe. Inaccurate myths that depicted Jews as the immoral killers of Christ and killers of Gentile children in the practice of blood libel followed Jews during the Protestant Reformation and were believed by many Catholics and Protestants (Jones, 2006). Over time, Jews have faced numerous pogroms due to the deep seeds of antisemitism.

The rise of modernity in Europe brought forth some new antisemitic complications for the Jews to face. On the one hand, Jews were viewed as agents of modernity, albeit dangerous ones. Historically, Jews have held jobs and positions within certain economic and financial fields due to the biblical restrictions that applied to Christians. These job positions resulted in Jews being viewed as fulfilling crucial oppressive roles in economics, cultural, and urban institutions, which “threatened the unity and identity of the Völk” (Jones, 2006, p. 148). On the other hand, Jews were considered enemies of modernity. This belief arose from the ghettoization of Jews which kept them segregated from non-Jews and lead to debates about whether or not Jews would ever be able to unify as members of the nation and not only to their community.

While antisemitism does have an extensive history, there were times when Jews were able to live in peace. For many centuries, Jews in Eastern Europe enjoyed a life of tranquility, which allowed Jewish religious and cultural life to flourish. During these times, Jews were also much more accepted by Muslim counterparts than Christians were, and Jews were often accepted into the societies, in which they were residing. The end of the nineteenth century and during the beginning of the twentieth century has been viewed as the golden age for Jews in Western Europe; particularly in Great Britain, France, and Germany. This golden age in Western Europe was still occurring while millions of Jews were fleeing pogroms in the Soviet Union. Germany, France, and Great Britain were all viewed as progressive states when it came to Jewish relations, with Prussia (part of the Germanic Empire) being one of the first Germanic states to allow Jews citizenship. However, this peaceful time for Jews in Germany was short-lived.

Jones (2006) outlines several different factors that led to the reemergence of antisemitism in Germany. First was the stance of the German political leaders. While German society was relatively progressive and tolerant, German politics remained much more conservative (Rubinstein, 2004). Second, Germany's society was considerably weakened by their defeat in World War I and further weakened by the harsh terms of the Treaty of Versailles in 1919. The treaty required Germany to accept full responsibility for World War I, drastically reduce the number in their military, give up all of their colonies and some of their European territories, and pay a significant amount of reparations. The harsh terms of the Treaty launched Germany into one of its most severe economic depression in German history. Hyperinflation in Germany caused the German mark to become practically worthless and widespread unemployment further worsened the economic crisis faced by German citizens (Rubinstein, 2004). During this time, some struggling Germans were desperate to find a scapegoat to blame for their misfortune

The Great Depression and humiliation Germany faced after World War I resulted in political extremism, which was spearheaded by Adolf Hitler and his National Socialist German Worker's Party (the Nazi Party). A prime brick in the foundation of the Nazi Party was one of antisemitism, blaming the Jews for Germany's defeat in World War I and the economic crisis that Germany was currently fighting. Early on, the Nazi Party did not see much success, only winning a minority number of seats in the German Parliament. Later divisions among the Socialist and Communist parties in Germany resulted in more support for the Nazi Party, which helped Hitler in rising to the position of Chancellor in 1933 (Jones, 2006).

Once the Nazis were in power, they claimed complete control of the German state and dismantled the previous structure of the government and outlawed all other political parties in Germany, as well as trade unions. However, the actual Final Solution (the genocide of non-Aryan groups) occurred from 1940 until the end of the war in 1945, on March 23<sup>rd</sup>, 1933, the Enabling Act was signed into law and made it possible for Hitler to take any steps necessary to neutralize and combat any political opposition. With the support of the Enabling Act, the discriminatory and persecutory stances of the Nazis towards Jews and their other targets became evidence. Jews were no longer allowed to attend schools with Germans, they were dismissed from universities, hospitals, and civil service; Jewish businesses were boycotted by Germans, and book burnings of degenerate literature were happening all across Germany. Further, the Nuremberg Laws of 1935 stripped Jews of their German citizenship, furthered the Nazis' racial antisemitism and made "interracial" marriages between Jews and Germans illegal.

The night of November 9<sup>th</sup> into the early morning of November 10<sup>th</sup> 1938 saw the furthering of Jewish persecution with Kristallnacht. On this night, Nazis targeted Jewish homes, and businesses and buildings (e.g. synagogues) were targeted and vandalized. Also, dozens of Jews were murdered, and 30,000 Jewish men were arrested and imprisoned in concentration camps. Later during the war, more Jews and other targeted groups would be deported to one of the camps in the large Nazi camp systems. The Nazis' "camp system" consisted of three different camps. The first were the *arbeitslager*s or the labor camps, next were the *konzentrationslager*s or the concentration camps and then finally the *vernichtungslager*s or the death camps (Hogan & Aretha, 2009). Before the mass extermination of Jews and deportation to the camps, Nazis worked to amalgamate the Jews within Germany to central locations better known as ghettos.



Figure 2. Map of the Holocaust

Ghettos were overcrowded, closed off areas in cities. The overcrowding environment resulted in food shortages and widespread diseases such as typhus. These methods were intentional, to kill off Jews in a more natural way. The ghettos throughout Europe led to

hundreds of thousands of Jews dying in the midst of abhorrent conditions. Slowly, ghettos were liquidated, and the surviving Jews were deported to one of the many concentration or death camps established by the Nazis during the Final Solution. Similar to the deportations of Armenians in the former Ottoman Empire, conditions of the deportations to the camps were atrocious and ensured that thousands of those in transport died before making it to the camps. Once arriving at the camps, the inmates were either murdered immediately or were sent to work. Those sent to work were given little food, lived in conditions similar to those of the ghettos, and were worked until they died from exhaustion or disease (Hogan & Aretha, 2009).

Jews were not the only group of people that were persecuted by the Nazis. There were several other different groups of people that were also persecuted by the Nazis, including Romani, Slavs, Soviet prisoners of war, resistance fighters all over Europe, German opponents of Nazism, homosexuals, Jehovah's Witnesses, the mentally and physically disabled, Communists and Socialists, and asocials and undesirables (Bartrop, 2015; Hogan & Aretha, 2009; Jones, 2006; Meltzer, 2002; Rubinstein, 2004). Most of these targets did end up in the camp system, but some, such as the mentally and physically disabled, were victims of the euthanasia program implemented by the Nazis before the Final Solution. With the liberation of the camps by Allied Powers and the end of World War II, the death toll of victims reached up towards 11 million (Bartrop, 2015).

Before the Nuremberg Trials, the Allied powers (France, the United States, the United Kingdom, and the Soviet Union) came together to create the tribunal that would prosecute the Nazi war criminals. Due to this collaboration, the workings and rulings of the tribunals reflected the different policies from each of the allied powers (Aronson, 1998). Controversy arose from the large number of American officials that were in charge of policy making and that were

involved in the tribunal (Earl, 2013). The further controversy resulted from the hypocrisy of the trials. There is a long-standing tradition in a war that the victors of wars have applied hypocritical standards for punishing those they had defeated for war crimes. Their enemies were being charged for conduct that they and the victors had both committed, while the same actions committed by the victors were ignored (Aronson, 1998; Meltzer, 2002; Wolfe, 1998). This often comes under scrutiny when discussions of the Nuremberg Trials and the formation of future criminal tribunals arise.

The Nuremberg trials took place between 1945 and 1949 and were a series of thirteen separate trials that tried Nazi war criminals from different organizations within the party. According to Meltzer (2002), there were three crimes that the Nazis being indicted could have been charged with, based on the Charter established by the Four Power London Agreement of 1945. First were crimes against the peace, second were war crimes, and third were crimes against humanity. Between the different trials, 207 Nazis were indicted and tried for war crimes and crimes against humanity that were committed during World War II and the Final Solution (Earl, 2013). The International Military Tribunal (IMT) is the trial that is most often associated with the Nuremberg Trials. 23 of the highest ranking Nazi officials (including Martin Bormann who was tried in absentia) were tried at the IMT. The remaining 185 Nazis were tried in trials referred to as the Subsequent Nuremberg Trials (NMT) (Earl, 2013). A significant component of the Charter was the rejection of certain defenses by the defendants, particularly “acts of state and superior orders” (Meltzer, 2002, p. 562). The rejection of these defenses means defendants would not be able to use the defense of merely “following orders” from a superior and thus would not be able to deny their own responsibility (Meltzer, 2002). At the conclusion of IMT, 19 were convicted sentenced.

This study will focus on the IMT trial of the military and political leaders of the Nazi Party. More in-depth information regarding the trials will be discussed later.

### **Indonesian Genocide**

Controversies over the definition on genocide that was set forth by the United Nations Convention of the Prevention and Punishment of Genocide arise from events like the Indonesian Genocide. There is debate by some scholars about whether or not the Indonesian genocide was a genocide. The United Nations Convention on the Prevention and Punishment of Genocide did not include political parties and organizations in the definition set forth. This exclusion was because political groups were not as easy to distinguish as an ethnic or religious community (Cribb, 2001). Additionally, political groups can be comprised of individuals with different identities (e.g. religious, ethnic, national) and gender identities. Despite the controversies, the Indonesian genocide is widely accepted by the majority of scholars as a genocide.

The Indonesian genocide occurred from October 1965 to March 1966 and targeted Indonesian members of left-leaning groups, in particular members of the Partai Komunis Indonesia (PKI; Indonesian Communist Party (Cribb, 2015; Pohlman, 2014). The genocide began in September 1965, after a failed coup suspected to have been planned and carried out by the PKI to overthrow the anti-communist and conservative government of Indonesia. During the coup, six generals were abducted and then murdered in the capital center of Jakarta (Cribb, 2001). The Indonesian General Suharto, who survived and ended the coup gradually took power from Sukarno, the current leader of Indonesia, and was responsible for the implementation of the Indonesian genocide. In the months that followed the coup, the new Indonesian military-dominated government and civilian militia groups worked to eradicate the left-leaning political parties in Indonesia (Pohlman, 2014).

In 1966, the new anti-Communist government officially banned the Communist party in Indonesia and fueled the continued fear and hatred of Communists, similar to the methods of the Nazis, the new Indonesian government used an anti-Communist propaganda campaign (Cribb, 2015). The propaganda campaign consisted of stories, warnings, and instructions that were broadcast over the radios and printed in newspapers. All of the propaganda was completely fabricated through falsified evidence. The government produced counterfeit proof of death lists, hidden weapon stockpiles, and mass graves. Propaganda also included falsified accounts of what occurred during the failed coup and the supposed atrocities committed against the generals during the failed coup of the PKI (Cribb, 2001; Pohlman, 2013).



Figure 3. *Map of Indonesia*

The political parties in Indonesia each had their youth programs that would use mildly violent intimidation tactics against “enemies” of their political party. However, the youth groups were unable to do much more. Following the coup, Indonesia’s military began providing weapons to the youth groups. The massacres in Indonesia began in October in the province of Aceh. Traveling around Indonesia were anti-Communist militant groups who were responsible for inciting the killings within the different villages. While the anti-Communist groups would

play a pivotal role in the massacres, they would rely on militias and youth groups to carry out the killings (Cribb, 2001).

Each village was treated differently. For the most part, militia groups only targeted those individuals who had already been identified as guilty. There were cases where militia groups would massacre entire villages without differentiating between guilty and innocent. While Communists were the primary targets of the genocide, Communist sympathizers were targeted as well as teachers and intellectuals within the villages. The killings were carried out with knives, by beatings, or by firearms, and the bodies were dumped in rivers and caves or were buried in mass graves that the victims were forced to dig themselves before their murders (Cribb, 2001). According to Cribb (2001), four areas that were most affected by the genocide: Bali, North Sumatra, Central Java, and Eastern Java.

When the genocide ended, an estimated 500,000 Indonesians had been slaughtered (Cribb, 2001). Following the genocide, the Indonesian government who presided over the genocides discouraged any form of investigation into the killings. Finally, an Indonesian court attempted to prosecute the perpetrators of the genocide. Overall, 34 were indicted, and 18 were found guilty. However, upon appeal, all 18 who had been convicted were acquitted (Duerr, 2015; International Center for Transitional Justice & KontraS, 2011; Pellegrini, 2012). About 50 years later, a second international tribunal was created, the International People's Tribunal 1965, charges of genocide were brought forth against the entire state of Indonesia and the state was found guilty (Duerr, 2015). The punishment for the state of Indonesia is still being decided. This study will focus on the first trial carried out by the Indonesian state in more depth later on.

## **Cambodian Genocide**

Cambodia was once part of the Angkor Empire, which also included parts of the modern South China Sea, Thailand, Laos, Burma, and Vietnam. During the mid-nineteenth century, parts of northern Vietnam, particularly Kampuchea, were claimed by the Cambodians and resulted in a dispute between Cambodia and Vietnam. Around this same time, the imperial powers who ruled Cambodia were losing power, and Cambodia quickly folded under the French. Under France's rule, a newly rejuvenated sense of nationalism overcame the Cambodians as the French scholars took a keen interest in recovering the history of Cambodia. In addition to the recovery of Cambodian history, the French relied on economic exploitation and political subordination to further influence nationalist sentiments among Cambodian (Jones, 2006). Furthermore, the French provided scholarships for Cambodian students to study in Paris.

Paris is well-known for the political fervor that is present in the city. According to Jones (2006), The French Communist Party had emerged after World War II as a strong political party and this presence, combined with the pro-political revolution fervor of Paris, resulted in the nurturing of revolutionary feelings in third world revolutionaries. These new revolutionary feelings were also nurtured for members of the Khmer Rouge Regime, including Saloth Sar (also known as Pol Pot), Khieu Samphan, Son Sen, Ieng Sary, and his wife Ieng Thirith (Jones, 2006). During this time, the French Communist Party was greatly influenced by Josef Stalin, who was the current dictator of the Soviet Union. A primary theme of Stalinism was a defense against enemies of the people. Pol Pot and his fellow members of the Khmer Rouge regime would act upon this idea.

Before the breakaway of Vietnam from Cambodia, tensions began to rise between the Vietnamese and Cambodian members of the Indochinese Communist Parties. After the defeat of

Dien Bien Phu, the Vietnamese left Cambodia, leaving behind 1,000 cadres. Among these cadres was Pol Pot and the other future leaders of the Khmer Rouge regime. This anti-Vietnamese sentiment would result in ethnic Vietnamese in Cambodia being targeted for extermination during the Khmer Rouge rule. In 1965, the United States invaded South Vietnam during the Vietnam War. During the war, conflict began to take place in Cambodia when supplies for National Liberation Front troops in South Vietnam from the North Vietnamese government. To prevent the supplies from reaching the troops, the United States began bombing the trail the supplies traveled along. The bombing destroyed parts of Cambodia and further pushed Vietnamese troops into Cambodia. During this time, the battles of the Vietnam War continued to engulf Cambodia, damaging Cambodia and the Cambodian government. However, the presence of Communist Vietnamese troops in Cambodia provided resources to the Khmer Rouge regime that helped them grow stronger (Jones, 2006). As a result of the occupation of Cambodia by Vietnamese troops, the United States responded in two ways.

First, the United States staged a coup to overthrow Vietnam's socialist ruler Prince Sihanouk, who they viewed as a threat. He was replaced by Lon Nol, a Buddhist religious fanatic. To return the favor of his new position, Lon Nol allowed the United States and South Vietnam to invade Cambodian territories, which lasted for three months. Second, in 1970, the United States launched a bombing attack against Vietnamese border sanctuaries that were located in Cambodia. The attack continued to escalate, eventually resulting in "a quarter of a million tons of bombs" being launched upon Cambodia (Jones, 2006, p. 189). Hundreds of thousands of Cambodians were killed, villages were destroyed, and Cambodia's agricultural base was ruined- all during a war, in which Cambodia was never involved. The Paris Peace Accords of 1973 forced Vietnamese troops to withdraw from Cambodia, but Lon Nol's military efforts

turned towards the Khmer Rouge. Khmer Rouge fought back, taking cities of Cambodia, finally overthrowing Lon Nol and establishing themselves in power (Cayley, 2012; Jones, 2006; Kiernan, 1996; Menzel, 2007).

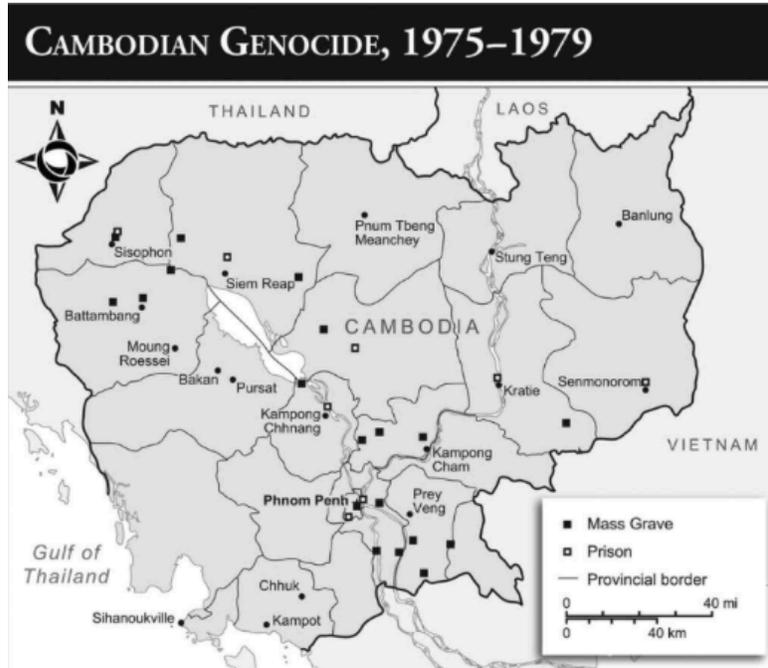


Figure 4. *Map of the Cambodian Genocide*

In 1975, the Khmer Rouge regime began the Cambodia genocide which lasted until 1979. Before their coming of power, the Khmer Rouge developed their party ideology. This ideology fueled their genocidal rule of Cambodia. Their ideology consisted of four primary principles: “(1) hatred of ‘enemies of the people,’ ... (2) xenophobia and messianic nationalism... (3) peasantism, anti-urbanism, and primitivism,... and (4) purity, discipline, and militarism” (Jones, 2006, pp. 191-192). Based on their ideology, Khmer Rouge began to clear major cities, deporting those who were residing in the city to rural areas (Kiernan, 1996). Life in rural areas was difficult due to the significant upheaval of the agricultural based in Cambodia. Thousands of Cambodians died from starvation and disease that ran rampant in rural Cambodia (Jones, 2006;

Menzel, 2007). Others were targeted by the three genocidal institutions implemented by the Khmer Rouge.

These three institutions included: (1) internal purges, (2) forced labor, and (3) mass executions. Internal purges would filter thousands through prison centers where they were interrogated, tortured, and eventually murdered (Jones, 2006; Menzel, 2007). Forced labor applied to all and was required from dawn until dusk. Food was withheld and only distributed from communal kitchens. Over time, food began to become scarce with the majority of crops being confiscated by the regime cadres and withheld from others. Other means of food were impossible; supplies could not be purchased since money and markets were banned, foraging for food was also banned, and private property was also banned and thus private gardens were also banned. Mass executions usually targeted people who were considered class enemies or ethnic minorities.

The minorities targeted included Vietnamese, Thai, Lao, Chinese, and Kao minorities who were residing in Cambodia (Jones, 2006; Kiernan, 1996; Rubinstein, 2004). Thousands of each minority group perished during the genocide, and the Kao population in Cambodia was completely exterminated. Buddhists and Cham Muslims were also targeted (Cayley, 2012; Kiernan, 1996). Religious buildings were demolished, religious leaders were executed or deported to the country where they would then die of starvation and disease (Jones, 2006). At the end of 1978, Vietnamese soldiers and Cambodian rebel fighters entered Khmer Rouge territory and re-captured Phnom Penh, causing the Khmer Rouge leaders to flee.

Overall, around 2 million Cambodians fell victim to the Khmer Rouge regime's brutality with around 40 percent of those dying due to the abhorrent conditions of Cambodia during this time frame (Jarvis, 2015). At the end of the Khmer Rouge regime's rule, a trial was arranged,

and convictions were made but never carried out (Menzel, 2007). Later, the Extraordinary Chambers in the Courts of Cambodia (ECCC) was the first to combine their national courts with international courts to prosecute those responsible for the Cambodian genocide. Currently, nine have been indicted, two did not complete their hearings, three have been convicted, and four cases are still ongoing (Extraordinary Chambers in the Courts of Cambodia, n.d.). More detailed information regarding the ECCC will be discussed later.

### **Ethnic Cleansing in the Former Yugoslavia**

Yugoslavia was formed at the end of World War I and included the territories from the former Ottoman Empire that are now modern-day Bosnia-Herzegovina, Serbia, Macedonia, Slovenia, Croatia, and Montenegro (Morus, 2015; Rubinstein, 2004). The ethnic cleansing that occurred in the former Yugoslavia began in 1992 with the beginning of the break-up of Yugoslavia (Cooke-Welling, 2012) and mainly occurred in Bosnia and Herzegovina. Problems arose in Yugoslavia during World War II when they were under Nazi Germany's rule. During this time, the Jewish population of Yugoslavia suffered. Additionally, the fascist Ustashe government that was instated by the Nazis began to round up Croatian Serbs and slaughtering them as well (Mirković, 1993). Bosnian Muslims aligned themselves with the Nazis, thus causing tensions between them and the Serbs. Furthermore, the Serb population was internally divided between the Chetniks (Serbs who supported the royalist regime) and the Serb followers of Josip Broz (also known as Tito).

The tensions between the two Serb groups resulted in violent massacres of each group's members by the other. Finally, Tito's forces were able to take the Belgrade, the capital of Yugoslavia, putting Tito in power. Tito's regime continued to slaughter Chetnik Serbs with death tolls totaling in the tens of thousands (Jones, 2006). Despite these violent tensions, Tito's new socialist regime possessed relatively liberal views and promoted ethnic pluralism within Yugoslavia. This ethnic pluralism was due to Tito's efforts to ensure that one ethnic group would not gain more power than the others. Tito's death in 1980 left his multinational state at risk of falling apart, and that is what happened due to the economic strife.



Figure 5. *Map of the Bosnian Genocide (or the ethnic cleansing in Yugoslavia)*

The political and economic instability that threatened citizens of Yugoslavia during the breakup was capitalized on by nationalist Croatian and Serbian leaders, which resulted in wars for independence. Slobodan Milosevic, a Serbian ethnonationalist politician, and Franjo Tudjman, a Croatian ethnonationalist politician, emerged as the front-runners for their respective ethnic groups. Tudjman implemented a political campaign that encouraged harassment and

violent attacks against the Serbs. Milosevic was greatly influenced to push forward with his nationalist agenda in 1987 when he traveled to calm the disruptive Serb groups in Albanian dominated Kosovo. The response and support that Milosevic received influenced him to move up the political ladder, overthrowing the Serbian President in 1987 (Jones, 2006).

In the early 1990's, Yugoslavia fell into open war. In June of 1991, both Croatia and Slovenia declared themselves as independent states, launching Slovenia immediately into war with the removal of the Yugoslav Army. Croatia's declaration of independence posed a different problem. Milosevic realized that there was no stopping Croatia, but Croatia still had a large population of Serbs in Croatian territories. Milosevic wanted to keep these territories as part of his envisioned state of "Greater Serbia." Towards the end of 1991, the Serbs in Croatia declared independence from Croatia (Balcells, 2015). The newly claimed independence of Croatia and Slovenia left Bosnia-Herzegovina in their difficult situation. Bosnia was also home to ethnic Serbs and the Bosnian government debated whether or not they wanted to deal with Serbian dominance by not declaring independence or if they wanted to deal with Serbs in Bosnia declaring their independence from them and joining Milosevic's "Greater Serbia." Bosnia-Herzegovina decided to declare their independence and did so in early 1992, which resulted in a declaration of independence from Serbs in Bosnia (Jones, 2006; Morus, 2015).

Later in 1992, the Yugoslav Army withdrew troops from Bosnia-Herzegovina, leaving behind their weapons to Serbs in Bosnia. Bosnian Muslims now found themselves in peril due to their land-locked territory in Bosnia-Herzegovina. Muslim communities in Bosnia were destroyed by Serb forces, and tensions between Bosnian Muslims and Croats also worsened, resulting in a 1993 confrontation with the Croatian military as well. Muslims responded by closing their communities and forming xenophobic nationalist views, which further fueled

tensions between the Bosnian Muslims and the Serbs and Croats. Serbian concentration camps were established in Bosnia-Herzegovina to detain Bosnian Muslims. Living conditions within the camps were abhorrent, and thousands of Bosnian Muslims perished in the camps. While most Muslim men were killed, Muslim women were targeted in other ways, such as being subjected to rape by Serb soldiers. This is a common practice that is seen during genocidal events, known as genocidal rape (Jones, 2006).

In 1995, the Bosnian War was ended with the Dayton Agreement which also ended the ethnic cleansing. There is still some discrepancy regarding the actual number of victims, but estimates place the death toll from 25,000 to 350,000 people (Jones, 2006; Morus, 2015). The majority of those average citizens who had carried out the acts of genocide did not face prosecution for their actions. Many lived, protected by their communities and the apathetic approach taken by National Atlantic Treaty Organization (NATO) forces that were responsible for arresting war criminals did not do much to ensure justice (Jones, 2006). With the end of the ethnic cleansing, the International Criminal Tribunal for the former Yugoslavia (ICTY) was formed to prosecute those responsible for the ethnic cleansing. Currently, 161 have been indicted with “35 ongoing cases, 126 concluded cases, 13 referred to national courts, 20 indictments withdrawn, ten having died before capture, and six having died in custody” (Morus, 2015, p. 190). More detailed information regarding the cases of the ICTY will be discussed later.

### **Rwandan Genocide**

The Rwandan genocide was an unprecedented genocide that devastated Central Africa, lasting from April to July of 1994 (Jones, 2006). During this time, around 650,000 Tutsi were massacred by the Hutu population of Rwanda: Hutu officials of opposing parties were also killed, putting the number of victims somewhere between 650,000 and one million (Jones, 2006;

Lemarchand, 2015). Tensions between the Hutus and the Tutsis spanned decades before the 1994 genocide and resulted from several different problems. These problems include the colonial and post-colonial history of Rwanda, the authoritarian government established after Rwanda gained independence, the ubiquitous economic crisis in Rwanda, the action of other states (in this case, France) that created the breeding ground for Hutu-extremism in Rwanda, and actions by international organizations that obstructed intervention (Jones, 2006).

The Hutu and Tutsi are two national groups of the same ethnic African group that primarily resides in Rwanda (Rubinstein, 2004). Relations between Hutus and Tutsis did not begin to sour until Rwanda was under the colonial rule of the Belgians. Before colonization, there was no social difference between the Hutus and the Tutsis. The relationship between the Hutus and Tutsis was a social class difference instead of a national or ethnic difference. According to Jones (2006), Tutsis were the wealthy class who owned the livestock and land that Hutus, the poorer class, tended to in addition to providing labor for the Tutsis. It was possible for a Hutu to come into wealth and move into the Tutsi class (*kwihutura*), just like a loss of property made it possible for a Tutsi to fall into the Hutu class (*gucupira*).

Germany was the first nation to establish dominion rule over Rwanda in 1894. Germany lost their colony of Rwanda after they were defeated in World War I and Rwanda was given to the Belgians (Jones, 2006). Under the colonial rule of the Belgians, the systematization between the Hutus and the Tutsis was enacted. Tutsis were the minority group of the two and were made the favorites of the Belgians, a common colonial “divide and rule” tactic (Jones, 2006). With this divide, and rule tactic, it is easier for the colonists to gain the allegiance from the minority groups within their colony since it is more likely that the minority group will need to rely on the colonists to ensure they are protected from the majority group. Additionally, the Belgian

colonists, who were Christians, used the “Hamitic hypothesis” to support further the distinction they created between the Hutus and the Tutsis.

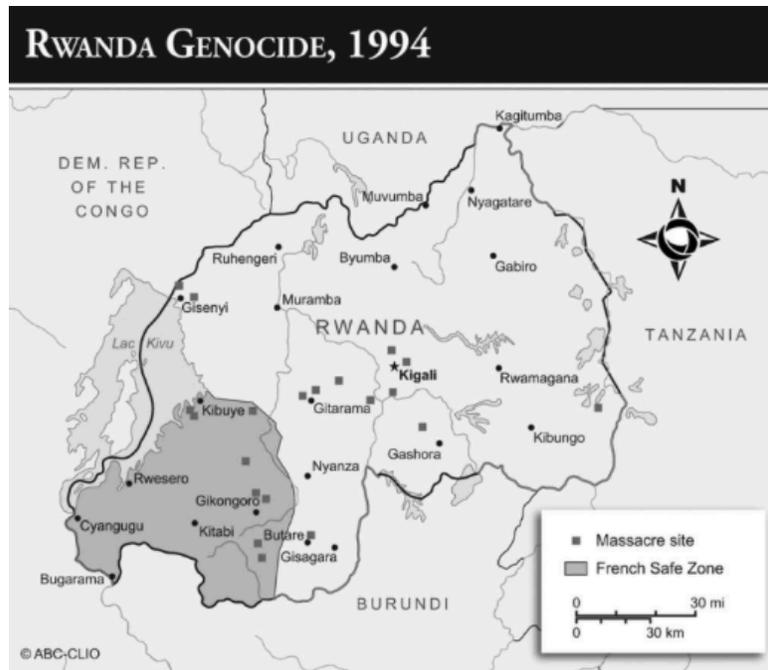


Figure 6. *Map of the Rwandan Genocide*

The Hamitic hypothesis is rooted in the Old Testament and taught that the Hutus were the offspring of Noah’s black son Ham. Ham was cursed by God and was destined to live a life of servitude. Tutsis were descendant from the Nilotic civilization of Egypt and were more divinely favored than the Hutus (Jones, 2006). During the colonial rule of the Belgians, the Hutus and the Tutsis were indoctrinated with the Hamitic hypothesis and anti-Hutu resentment quickly led to a “racially” segregated Rwanda. Tutsis were placed in dominant roles within the state and the Hutu majority suffered. During the colonial rule of the Belgians, identity cards were distributed and would clearly identify the carrier of the card as Hutu, Tutsi, or Twa (the last surviving descendants of the Twa Pygmy ethnicity, which constituted two percent of the Rwandan population) (Jones, 2006).

Following World War II, the push to gain independence from colonized states gained momentum, and these states were beginning to gain their independence. In Rwanda, the Tutsis, who had greatly benefited from the favoritism of their Belgian colonists, began to push for independence from the Belgians. It was at this time that the Belgians abandoned the Tutsis and began to favor the Hutus (Jones, 2006). This shift in favoritism led to decades of anti-Tutsi sentiments and violent attacks against Tutsis by the Hutus. Tens of thousands of Tutsis were slaughtered at the hands of enraged Hutus and many of those who were able to escape fled to the neighboring countries of Uganda, Zaire, and Tanzania. While many Tutsis fled Rwanda, several remained in Rwanda and were able to live a somewhat peaceful life among the new Hutu-dominated government. Despite their inability to hold any political position of power, the Rwandan Tutsis were not barred from the institutional spheres in Rwanda.

In a 1973 coup, Hutu dictator Juvénal Habyarimana was placed in power, and under his rule, the living conditions for the Tutsis further improved. However, things were not as they seemed, as Habyarimana was a puppet leader of his regime that was truly running the government of Rwanda (Jones, 2006). Leading up to the genocide, the Hutu population were flooded with anti-Tutsi propaganda which increased the tense ethnic relations between the two groups that were only worsened by the ongoing Rwandan civil war (Lemarchand, 2015). This anti-Tutsi propaganda and culture of ethnic hatred of the Tutsis were gradually pushed on the Hutus of Rwanda by Habyarimana's regime (Jones, 2006).

Another major contributor to the Rwandan genocide was the contributions of outside states to the expansion of Hutu extremism. In 1987, the formation of the Rwandan Patriotic Front (RPF) by Rwandan exiles in Uganda occurred and led to the 1990 military invasion of Rwanda by the RPF. Following this military invasion, three crucial things happened. First, was the

outside assistance from France to the Habyarimana regime. French forces were successful in holding off the military invasion of the RPF and remained in Rwanda to provide military training for the Hutu military and militias (Jones, 2006). Additionally, the military conflict between the Hutu military/militias, the French military forces, and the RPF further exacerbated the already unstable economy in Rwanda with Rwanda being unable to afford the cost of war. Finally, the violent attacks against Hutus in Rwanda by members of the RPF fueled the fear of Hutu massacres that were already occurring in the neighboring country of Burundi by Tutsi armed forces (Jones, 2006).

In retaliation, smaller-scale massacres of Tutsis in Rwanda were carried out by Hutus. Jones (2006) refers to these as pre-genocidal events, which resulted in the deaths of about 2,000 Tutsis. At the end of these massacres in 1993, Bacre Waly Ndiaye, a United Nations Special Rapporteur, visited Rwanda to gauge the severity of the violence between the Hutus and the Tutsis and decided that the term genocide was applicable and that the provisions of the United Nation's Convention on the Prevention and Punishment of Genocide were relevant. However, Ndiaye's supervisors took no action to prevent the Rwandan genocide from occurring. During this time, the anti-Tutsi propaganda continued to intensify and included calls for the extermination of Tutsis (Jones, 2006). Shortly before the beginning of the Rwanda Genocide, Habyarimana regime began the proceedings to fulfill a previous promise to establish a multiparty democracy that included the RPF. In 1993, the Arusha Peace Accords were signed and guaranteed free and open elections, which would include members of the RPF Party. Additionally, 2,500 foreign peacekeepers met at the United Nations Assistance Mission for Rwanda (UNAMIR) to monitor the ceasefire and ensure peace before the newly promised elections (Jones, 2006). These two events proved to be the breaking point for Hutu extremists.

On April 6, 1994, the beginning of the Rwanda genocide was marked with the shooting down of Habyarimana's plane. The next day, Hutu soldiers and militia took prepared lists and began tracking down and murdering Tutsis and Hutus who were considered Tutsi sympathizers, in addition to Belgian peacekeepers and Rwanda Prime Minister Agathe Uwimiliyana. For 100 days, Hutu soldiers and militia patrolled the streets slaughtering Tutsis with machetes, using the previously issued identity cards. Thousands of Tutsi sought shelter in places that were often deemed sanctuaries such as churches and schools. These safe places were no longer safe. Hutu génocidaires would use these sanctuaries to corral Tutsis to make it easier to murder a high number at once (Jones, 2006). Hundreds of thousands of Tutsis were murdered during the genocide. Several Tutsi communities were completely exterminated. From June 1991 to June of 1994, a census revealed that the Tutsi population dropped from 252,000 to only 8,000.

During the Rwanda genocide, Hutu forces were so focused on the carrying out the massacres, that they did not prepare themselves to confront the growing RBF forces that were moving into parts of Rwanda. Due to the establishment of RBF forces, thousands of Tutsis were protected from certain death at the hands of extremists Hutus. The genocide ended with the defeat of the Hutu government by the RBF in June of 1994 (Jones, 2006). After the RBF forces had taken most of the power from the Hutu forces, revenge massacres against Hutus by surviving Tutsis took place in areas Hutus had once controlled. Jones (2006) reports that estimates show that 50,000 Hutus were killed during these retaliatory massacres. On June 21 1994, French troops began to assemble on the Rwanda border of Zaire. Shortly after, on July 4<sup>th</sup>, RBF forces gained full control of Kigali and French troops moved in and set-up a safe space in Rwanda.

Assessing the damage following the genocide, death tolls estimate that the number of victims ranged from 500,000 to 800,000 victims, primarily Tutsis. Later death tolls estimate as

many as one million total victims (Jones, 2006; de Brouwer & Ruwebana, 2013). Additional damage included hundreds of thousands of Rwandan children being orphaned, between 250,000 to 500,000 Tutsis (primarily girls and women, but also boys and men) brutally raped, and Rwanda's economy, social services, and judicial institutions were destroyed (de Brouwer & Ruwebana, 2013).

At the end of the genocide, three different legal processes were used to punish those responsible for the genocide. The most public process is the International Criminal Tribunal for Rwanda (ICTR), which was formed by the United Nations Security Council (UNSC) and was established to prosecute the Hutu leaders and soldiers/militia that instigated the violence. To date, the ICTR has indicted 93 responsible persons and have convicted 61 of those 93 (International Criminal Tribunal for Rwanda, n.d.). The other two processes were the National Genocide Trials (NGTs) and the *Gacaca* courts (Apuuli, 2009; de Brouwer & Ruwebana, 2013; Jones, 2010). The use of the three processes made it possible for offenders to be prosecuted at an international level (ICTR), a national level (NGTs), and a local level (*Gacaca*). The *Gacaca* courts were based on the local courts that would allow individuals to bring grievances before an Inyangamugayo (an elder member of a village who was considered wise and held in high regard) and a decision would be reached, following a discussion (Jones, 2010). By the closure of the *Gacaca* courts, over one million *génocidaires* had been prosecuted in a *Gacaca* court.

This study will focus on the trials and outcomes of the ICTR and more in-depth data will be discussed in later in the study.

### **The International Criminal Court**

The International Criminal Court (ICC) is separate and independent of the United Nations and is empowered to investigate and prosecute perpetrators of genocides if the state that the

genocide occurred in unwilling to prosecute the perpetrators or if they are unable to prosecute them (United Nations, 2010). The ICC was created by the 2002 Rome Statute and is now the default international criminal court for prosecuting crimes against humanity and genocide, with 124 member states (Aksar, 2004; Elsea, 2003; International Criminal Court, n.d.; Schiff, 2008). The ICC is made up of three separate chambers: (1) Presidency and Chambers (judges), (2) Prosecutors, and (3) Registry (Aksar, 2004; Elsea, 2003; Schiff, 2008). The jurisdiction of the ICC is limited to “most serious crimes of concern to the international community as a whole” (Elsea, 2003, p. 17). This jurisdiction is what limits the ICC to prosecuting perpetrators of genocide, war crimes, and crimes against humanity.

Additionally, the ICC has six stages of the prosecution process: (1) pre-trial, (2) trial, (3) appeals, (4) reparations, (5) closed, and (6) revision. The pre-trial stage involves the Office of the Prosecutor presenting the pre-trial judges with the evidence to support bringing forth the trial they are proposing. The judges then review the evidence and determine whether or not there is enough evidence to issue arrest warrants and move forward to trial. During the trial stage the trial occurs. Both the prosecutors and defense present their cases. After the conclusion of the trial, the trial judges render a conviction and sentence. Next, the appeals stage allows for both the prosecution and defense to appeal a conviction and for that conviction to be upheld or overturned. The reparations stage allows judges to order reparations to be paid to victims if they defendant has been found guilty. When a case makes it to the closed stage, it is considered closed and settled. Finally, the revision stage permits a convicted offender or prosecution to apply for a revision of a closed case if new evidence has been discovered, if evidence is deemed false or forged, or if any judge has been found to have committed an action of misconduct (International

Criminal Court, n.d.). Currently, the ICC has 23 ongoing cases at the various stages of the process (International Criminal Court, n.d.).

## CHAPTER TWO

### PROCEDURAL JUSTICE

In 1948, before the Convention on the Prevention and Punishment of the Crime of Genocide, the United Nations also created and ratified the Universal Declaration of Human Rights. The Universal Declaration of Human Rights states the basic rights guaranteed to all humans is “the foundation of freedom, justice, and peace in the world” (United Nations, 1948, p.1) The declaration consists of 30 articles that outline and define the details of the three fundamental rights guaranteed to all humans. Regarding this analysis, five articles pertain specifically to ensuring procedural justice to these trial proceedings. First, article five states that every human is protected from “torture or...cruel, inhuman or degrading or punishment” (United Nations, 1948, p. 1). This applies to the victims, survivors, and perpetrators of genocide who are facing prosecution. Second, article seven states that “all are equal before the law...” (United Nations, 1948, p. 1). Articles eight, ten, and 11 refer to tribunals that will prosecute perpetrators of genocide, stating that everyone who has their rights violated has the right to justice from a quick and competent tribunal, all who are being prosecuted have the right to a fair and impartial public hearing, and all indicted have the right to be presumed innocent until proven guilty (United Nations, 1948). Each of these articles aligns with components of Tom Tyler’s theory of procedural justice.

Procedural justice is a complex theory that has garnered considerable amounts of praise and criticism (Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Solum, 2004; Sunstein, 2006). The main criticism stems from the inability to agree on a universal definition. Overall,

procedural justice focuses on the fairness, justice, and legitimacy of the different processes in criminal justice systems (Bone, 2003; Tyler, 1990). Similar to the definition of procedural justice, the definitions of justice, legitimacy, and fairness are all highly debated terms in the field of criminology, and there is no one definitive definition, as the definitions of each have evolved with different philosophies (e.g. utilitarianism). For this study, fairness will be defined as treatment of all parties in an impartial and just manner with clear, unbiased behaviors. Justice is, perhaps, the most difficult term to define, even in legal and criminal justice systems. However, for this study, justice will be defined as the use of processes of adhering to the laws to provide a fair conviction and sentence. Finally, legitimacy will be defined as the perception of, in this case, the international tribunals as proper and legal.

The concept of procedural justice is rooted in four legal processes: natural justice, fundamental justice, due process, and procedural fairness (Bone, 2003; Tyler, 1990). These four process form the foundation of procedural justice and components of procedural justice come from these different processes. Natural justice, according to Siyuan and Leo (2008), is the right of the accused to have their case heard before an impartial court or tribunal and the proceedings of the trial must be fair. Procedural fairness is similar to natural justice but refers more to the administrative decision-making, whereas natural justice refers to the decision-making that occurs within courts. Both, still require fair and unbiased processes that are thoroughly supported by indisputable evidence (Ombudsman Western Australia, 2009). Fundamental justice is a legal concept primarily found in Canadian law. Per the Canadian Supreme Court case *R v. Malmo-Levine; R. v. Caine* (2003), fundamental justice refers to the manner by which the entire legal system should fairly operate. Additionally, fundamental justice should be able to provide a sufficient model to create the observable standard to “measure deprivations of life, liberty or

security” (*R. v. Malmo-Levine; R. v. Caine*, 2003, para. 115). Due process is a legal concept most commonly associated with English law and the American law and refers to the rights of all people to be treated equally under the laws of their country. This means a person must be treated the same by the law and the laws followed to punish a person must be followed precisely (Klingen, 2016). If the government or criminal justice system digresses from the law, even in the slightest, then it is still considered a breach of due process. Recently scholars have begun to study the role of procedural justice in international law, including international law regarding genocide.

Currently, an overall definition of procedural justice has not been agreed upon by scholars and tends to change depending on the situation. Despite these disagreements, Killean (2016) states that two key elements have been discussed in the literature on procedural justice. These elements demonstrate the overall scope of the concepts that procedural justice deals with. First is the quality of decision making, which “includes concepts such as neutrality and ethicality, consistency, and the correctability [*sic*] of decisions” (Killean, 2016, p. 5). Second is the quality of interpersonal treatment, which relates to “dignity and respect, voice, representation and the provision of information” (Killean, 2016, p. 5).

There are three principles of procedural justice that this study will focus on: (1) people are allowed to have a voice, (2) there is neutrality in decision making, and (3) the system in charge demonstrates trustworthy motives and concerns for welfare of those without power (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). With these three principles being met, the perceptions of the event will be fair, just, and legitimate.

Within hearings and court proceedings, these four principles apply to both the victims and the defendants to ensure fairness, justness, and legitimacy. This study will focus on the principles of voice, neutrality, and trustworthy motives. These principles will be used to operationalize the variables for the analysis of the fairness and justness of the trials that followed each genocidal event.

## CHAPTER THREE

### GENOCIDE IN CRIMINOLOGICAL RESEARCH

Genocide has recently become an academic phenomenon. However, genocide has typically been approached from theological, philosophical, historical, and/or political perspectives; not a criminological approach. Within the last decade, particularly with the Rome Statute and the creation of the International Criminal Court, a criminological approach towards genocide has begun gaining popularity in academic circles. While genocide is slowly gaining more interest from criminologists, Cooke-Welling (2012) reports that genocide is still a heavily neglected field in criminology. The lack of criminological research regarding genocide, it can be argued, has led to a gap in the understanding of the “crime of crimes” (Cooke-Welling, 2012; Pruitt, 2014). Such an abhorrent crime should be approached from several different disciplines to provide a well-rounded understanding of all of the workings that can lead to such atrocities. Each field that investigates and studies genocide can offer a unique perspective to understanding genocide and criminology is no different. Pruitt (2014) states that criminology fields that already exist are capable of including events of genocide within their areas of study. These fields just need to expand to include genocide. Existing theories can “be used to analyze and explore the issues of genocide,” they just have not often been used (Pruitt, 2014, p. 12). A tactic of this study, to apply an already existing theory of criminology to genocide to understand legal approaches to the prosecution of genocide perpetrators.

Regarding this study, the lack of research relating to the use of the procedural justice theory poses a challenge to the researcher. Previously, the procedural justice theory has been

used to explain the perceptions of fairness, justice, and legitimacy of the public regarding smaller scale problems, such as rapport between civilians and interactions with law enforcement officers. There is little research regarding procedural justice on an international level, and there is even less research regarding procedural justice and genocide. Principles of procedural justice ensure fairness and justice are served for all involved. Understanding the principles of procedural justice can improve the perceptions of the international courts and tribunals by the public and protect the rights of the victims and the accused. Additionally, a better understanding of procedural justice and the role the principles of procedural justice play in court proceedings can open doors to other programs that serve more than just to punish as many perpetrators as possible.

Since procedural justice's role in criminal proceedings following genocides is not researched as often, there are unanswered questions regarding the relationships. There has been criticism from scholars regarding the bias of the Allied Powers serving as the judges and prosecutors of the trials that constituted the Nuremberg Trials, following World War II and the Holocaust. Another criticism has been the role that the surviving victims play in the trials of those responsible for their suffering (Aronson, 1998; Herman, 2013; Meltzer, 2002; Wolfe, 1998). These types of criticisms call into question the fairness and justness of the trials. Questions that need to be answered are just how fair and just are these trial proceedings perceived to be when principles of procedural justice are met by the courts? Has there been a shift in the practice of meeting procedural justice principles in these trials? If there has been a shift, how has this shift affected the perceptions of these trials? What benefits can result from meeting the principles of procedural justice? These are only a few of the questions that can be answered by examining the relationship between procedural justice and trials of perpetrators of genocide. Answers can only come from an expansion of the criminological fields to include

studying acts of genocide and studying the presence of procedural justice principles in past international courts and tribunals, to improve the presence of procedural justice principles in future court proceedings as well.

## CHAPTER FOUR

### CURRENT RESEARCH

The theory of procedural justice, while being an underlying part of legal processes, is a relatively new theory. Therefore, previous research is limited. Typically, the theory of procedural justice has been used on smaller scales, such as studying rapport between residences of a city and their police officers in a community-policing program. Additionally, Cooke-Welling (2012) argues that genocide was a field that has been severely lacking any criminological understanding and approach despite recent strides to rectify this. Recent strides and the creation of the ICC are beginning to pave the way for genocide to become a “legitimate field of criminological inquiry” (Cooke-Welling, 2012, p. 75). This means research regarding procedural justice on an international scale is rare and research on procedural justice in court proceedings trying perpetrators of genocide is rarer. Within the last couple of years, a few scholars have begun to examine the role of procedural justice in these court proceedings.

This study will continue to expand research on the role of procedural justice within the international courts that prosecutes perpetrators of genocide and other crimes against humanity and war crimes. Research on the successes or failures of procedural justice in prior and current court proceedings and how these successes and failures affect the perceptions of these courts as fair and just by the public is crucial in identifying procedural justice concerns and rectifying the problem to maintain perceptions that the process is fair and just.

## CHAPTER FIVE

### METHODOLOGY

The goal of this study is to analyze texts to assess if principles of procedural justice were met in the prosecution of perpetrators of the crime of genocide. This study will focus on answering the two following research questions. Since this study is, primarily, theoretical analysis, there will be no predictive hypotheses. The research questions will guide the analysis of the data. The first research question: how have the processes of procedural justice and their components developed over time in the international tribunals that try perpetrators of genocide? Since the discussion of procedural justice in the court proceedings of these international tribunals is a relatively new discussion, this thesis will examine the methods that the international tribunals used to fulfill the principles of procedural justice. Additionally, this thesis will examine the change in methods from the first tribunal in the sample to the last tribunal in the sample and whether or not the changes have furthered the purpose of procedural justice and resulted in the tribunals appearing more fair and just.

The second research question: do these court proceedings ensure that justice is fair and justice is served based on the components of procedural justice? If not, what are some policy changes that could address this problem? When principles of procedural justice are fulfilled, then the tribunals hold a more positive image in regards to fairness and justness. When these principles are not met, then the image of the tribunals will be more negative since the fairness and justness of the tribunals can come under question. Based on the analyses, future directions

and policy implications for the International Criminal Court will be discussed to suggest ways in which the principles of procedural justice can be better fulfilled.

The theory of procedural justice is rooted in four concepts: due process, natural justice, fundamental justice, and procedural fairness (Bone, 2003; Tyler, 1990). These four concepts were the foundation of the three selected principles examined by this study: (1) people are allowed to have a voice, (2) there is neutrality in decision making, and (3) the system in charge demonstrates trustworthy motives and concerns for welfare of those without power (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). These concepts and principles influence court proceedings, both domestic and international, and affect the public perceptions of fairness and justness of the trials before the international tribunals that followed acts of genocide.

## **Data**

Data will be gathered through archival information regarding each court/tribunal. Primary sources directly from the ICTR, ICTY, and ECCC regarding the cases will be used for data collection for the Cambodian genocide, the ethnic cleansing in the former Yugoslavia, and the Rwandan genocide. These sources will include court documents and transcripts that detail the proceedings of each case that has been heard or is being heard before the ECCC, ICTY, and ICTR at any of the stages. These documents are all provided for public access through the website for each of the three tribunals. For the other three events, data will be gathered from secondary sources in the forms of historical accounts since there is an electronic database to

collect documents directly from the tribunals. The data collected will be both qualitative and quantitative, but primarily quantitative.

### **Sample**

There was no set method for the selection process of the documents. The documents and transcripts from the International Military Tribunal, ECCC, ICTY, and the ICTR were all readily available through the publications from the International Military Tribunal and on the websites of the ECCC, ICTY, and ICTR (Extraordinary Chambers in the Courts of Cambodia, n.d.; International Criminal Tribunal for Rwanda, n.d.; International Criminal Tribunal for the former Yugoslavia, n.d.; International Military Tribunal, 1947). The documents for the Turkish Military Tribunal came from historical accounts by Vahakn Dadrian and Taner Akçam; who are both well-respected academics on the Armenian genocide and have both written numerous works regarding the Armenian genocide. Additionally, Dadrian and Akçam translated and compiled the original articles from the *Takvim-i-Vekâyi*. Documents regarding the first court after the Indonesian genocide were extremely limited, and no actual court transcripts were not found. Therefore, data was gathered from the secondary historical accounts regarding the Indonesian genocide, all of which were written by Robert Cribb or Annie Pohlman, both of whom are scholars on modern Indonesia and the Indonesian genocide. Overall, documents and court transcripts were selected upon availability and credibility.

### **Variables**

In order to measure the three principles of procedural justice, the variables included will be: (1) country in which trials occurred, (2) presence of a jury, (3) nationalities of jury members, (4) nationalities of judge(s), (5) nationalities of prosecutors, (6) nationalities of defense representation, (7) whether or not survivors were able to participate in court proceedings, (8)

whether or not defendants were able to take part in court proceedings, (9) number guilty or innocent convictions, (10) sentences for perpetrator(s), (11) were appeals made, (12) number of appeals, (13) were the convictions and sentences upheld or overturned, (14) country event occurred in, (15) dates, (16) number of victims, and (17) number of perpetrators indicted

**Operationalization of variables.** The variables chosen for this study will be used to measure the three principles of procedural justice: (1) people are allowed to have a voice, (2) there is neutrality in decision-making, and (3) the system in charge demonstrates trustworthy motives and concerns for the welfare of those without power (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). The variables have all been categorized by which principle they will measure.

First are the descriptive variables: the country that the trial took place in, the country the event occurred in, the dates of the event, the number of victims of each event, and the number of perpetrators indicted. Descriptive statistics will provide a background understanding of each event. Second, the participation of survivors and participation of defendants will be the variables used to measuring the first principle of procedural justice: all persons are permitted to have a voice and tell their side of the story. Next, the principle of neutrality will be measured with the following variables: the country the trial occurred in, the presence of a jury, whether or not jurors were multinational, whether or not judges were multinational, whether or not the prosecutors were multinational, and whether or not the defense attorneys were multinational. The final principle, trustworthy motives, will be measured by the number of convictions, the types of

sentences that were issued to those convicted, whether or not appeals were allowed, the number of appeals made, and the number of convictions upheld and overturned.

The data will then be analyzed to determine whether or not the tribunals that followed the genocide events can be considered fair and just by meeting the principles of procedural justice discussed in this study. The more the tribunals fulfill the principles, the stronger the argument is for identifying the tribunal as fair and just. If the data for the variables defendant and survivor participation reflect active participation from the survivors and the defendants then it will indicate that the principle of procedural justice “all are permitted to have a voice” is, in fact, being met. Regarding the data for the nationalities of the juries, judges, prosecutors, and defense attorneys, if the people of those groups did come from multinational backgrounds then it can be argued that this limited any bias that could be held by people from the country in which the genocide event occurred. Additionally, the presence of a jury and whether or not the jury consisted of jurors of multinational backgrounds can also be used in the argument of neutrality of the courts. Finally, the variables that will be used to measure the principle of trustworthiness of the actions by the decision-makers will reflect fair sentences and convictions for each defendant.

### **Plan for Analysis of Data**

This study will be an exploratory analysis of data gathered from the court documents of the trials included in the study. Once the data is gathered, the results will be organized in the following way. First, the descriptive statistics (dates, event locations, trial location, the number of victims, and the number of perpetrators indicted) will be presented straight forwardly, with no coding. The ability of survivors and defendants to participate in the trials heard by the tribunals and whether or not appeals were granted by the tribunal will be recorded and coded using a system of “0,” and “1” where “0” represents no participation/no appeals and “1” represents

participation/appeals. Similar to the coding system for participation, the coding for the presence of juries, nationalities of jurors, nationalities of judges, nationalities of prosecutors, and nationalities of defense attorneys also used the system of “0” and “1”. However, in this case, “0” represents non-multinational chamber members and “1” represents multinational chamber members. The variables (the number of conviction, the number of appeals, the number of convictions overturned, and the number of convictions upheld) will be presented with the actual numbers being reported. Furthermore, the percentages of convictions, acquittals, transfers withdrawn charges, unknown rulings, and ongoing trials per tribunal will be presented, and the percentages of convictions upheld, and convictions overturned by appeals will also be presented. Finally, the original sentences issued by the tribunals will be organized on interval scales ranging from: zero to 11 months, one to five years, six to 10 years, 11 to 15 years, 16 to 20 years, 21 to 25 years, 26 to 30 years, 31 to 35 years, 36 to 40 years, and 41 to 45 years. Additionally, the sentences of life imprisonment and death will also be presented. No further statistical or qualitative analyses will be conducted on the data.

## CHAPTER SIX

### RESULTS

This section of the study will report and analyze the data gathered from the documents from the tribunals and the historical accounts of the other tribunals. The data and results have been organized by the principle of procedural justice that they will be used to analyze. No specific quantitative statistical analyses (e.g. ANOVA or t-test) nor qualitative analyses (e.g. content analysis) were conducted for this study.

#### **Descriptives**

This study examines six genocidal events: the Armenian genocide, the Holocaust, the Indonesian genocide, the Cambodian genocide, the ethnic cleansing in the former Yugoslavia, and the Rwandan genocide. Each of the events resulted in staggering numbers of victims, some occurring over shorter periods of time than others. There are no exact figures for the total number of victims of each event, but estimates based on the number of bodies unearthed or the changes in populations pre- and post-events. The Armenian genocide resulted in at least 1.5 million victims, the victims of the Holocaust totaled approximately 11 million, and the Indonesian genocide resulted in around 500,000 victims. The three remaining events, the Cambodian genocide, the ethnic cleansing in the former Yugoslavia, and the Rwandan genocide, do not have set estimates. Each has significant discrepancies between the lower estimates and the higher estimates. The Cambodian genocide is estimated to have resulted in 1.7 to 2.2 million victims. The ethnic cleansing in the former Yugoslavia had between 25,000 and 350,000 victims. Finally, the Rwandan genocide resulted in the deaths of 500,000 to one million victims.

The number of those indicted also differed and appear to be extremely small compared to the large scale of these genocidal events and a great many people (military, civilian, and government) that were needed to carry out such event

Table 2. *Descriptive Statistics for Sample Events*

Event	Date	Location	Trial Country	Number of Victims	Perpetrators Indicted
Armenian Genocide	1915 – 1923	Turkey	Former Ottoman Empire	≥1.5 million	67*
Holocaust	1941 – 1945	Germany and Eastern Europe	Germany	11 million	24
Indonesian Genocide	1965 – 1966	Indonesia	Indonesia**	≥500,000	34
Cambodian Genocide	1975 – 1979	Cambodia	Cambodia	1.7 – 2.2 million	9
Ethnic Cleansing in the former Yugoslavia	1992 – 1995	Former Yugoslavia	Netherlands	25,000 – 350,000	161
Rwanda Genocide	1994	Rwanda	Tanzania	500,000 – 1 million	93

*\*Note. 67 is the known number of defendants across the several series of trials that were brought before the Turkish Military Tribunal following the Armenian genocide. The actual number of defendants is not discussed in this study since there were a great number of total trials and only the primary trials are being focused on (Dadrian, 1997; Dadrian, 1999; Dadrian & Akçam, 2011).*

*\*\* This data represents the first trial that occurred after the Indonesian genocide. The second trial, the trial that sues the entire state of Indonesia, was held at The Hague in the Netherlands in 2015.*

Since the courts lacked the ability to try every single individual involved in committing acts of genocide, tribunals try to focus on the leaders of the organizations and groups that are responsible for planning and implementing the genocide. Tribunals also indict those that they have the most evidence against to prove the person played a crucial role in the implementation of

the genocide. According to Dadrian (1997), there were several responsible persons indicted by the Turkish Military Tribunal for their roles in the Armenian genocide. However, Dadrian (1997) only discusses the indictments of 67 defendants and only individually identifies 38 of those indicted. The Nuremberg Trials consists of thirteen separate trials (Meltzer, 2002). This study primarily focused on the International Military Tribunal, which tried the top 24 Nazi officers that were responsible for the implementation of the Holocaust. The focus being placed on the International Military Tribunal was due to the importance of the IMT out of all 13 of the Nuremberg Trials. The IMT is the most symbolic trial of the 13 trials that comprised the Nuremberg Trials. Furthermore, analyzing the other 12 trials involved in the Nuremberg would overcomplicate the study. The first tribunal that followed the Indonesian genocide indicted 34 people. The Extraordinary Chambers in the Courts of Cambodia indicted nine individuals; all were high-ranking leaders within the Khmer Rouge Regime (Extraordinary Chambers in the Courts of Cambodia, n.d.; Jones, 2006). The International Criminal Tribunal for the Former Yugoslavia indicted 161 individuals and the International Criminal Tribunal for Rwanda indicted 93.

### **Principle of Voice**

The first principle of procedural justice that this study is analyzing is the ability of all involved (survivor, victims, and defendant) to voice their side of the story (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). Participation of the defendants can range from the ability of the defendant to testify before the court to the ability of the defendant to participate with their defense counsel. Participation of survivors can range from

being able to testify before the tribunals and being able to take part in the prosecution. Data regarding the ability of the survivors and defendants to participate, and to the extent that they were able to participate, were gathered from court transcripts and accounts of what transpired during the tribunals that followed the genocides. If there was evidence to show that the tribunal permitted victim participation in any method and/or defendant participation, it was assigned “1” representing “yes.” If there was no evidence to show that they tribunal permitted victim participation in any method and/or defendant participation, or there is evidence that participation was not allowed, it was assigned “0” representing “no.”

Overall, the tribunals allowed both survivors and defendants state their testimony before the court. Defendants were only permitted to take the stand to state their testimony. However, each tribunal allowed victim participation on different levels. At the Turkish Military Tribunal, the Armenian survivors had their legal counsel to represent the entire community of surviving Armenians, in addition to being factual witnesses for the Prosecution (Dadrian, 1997). Additionally, the Extraordinary Chambers in the Courts of Cambodia (ECCC) introduced a new method of victim participation for an international tribunal prosecuting the crime of genocide. The ECCC also uses the Civil Law system, which allows survivors of the relatives of victims to actively participate in the tribunal proceedings of each case (Extraordinary Chambers in the Courts of Cambodia, n.d.; Herman, 2013; Jasini & Phan, 2011; Meijer, 2004). They can participate as civil parties, meaning those who have suffered directly from the actions of the Khmer Rouge that are being directly investigated by the ECCC can also sue the defendants for reparations from their victimization (Extraordinary Chambers in the Courts of Cambodia, n.d.; Herman, 2013; Jasini & Phan, 2011). If the survivor does not want to participate as a civil party, they may be involved as a Complainant. Complainants work with the Co-Prosecutors by

informing them of crimes they believe committed during the Cambodian genocide (Extraordinary Chambers in the Courts of Cambodia, n.d.; Herman, 2013). The ECCC was the tribunal that allowed the most victim participation during proceedings.

Table 3. *Victim and Defendant Participation*

Event	Trial Dates	Victim Participation	Defendant Participation
Armenian Genocide	1919-1920	1	1
Holocaust	1945-1946	1	1
Indonesian Genocide**	1999-2006	0	0
Cambodian Genocide	2006-Present	1	1
Ethnic Cleansing in the former Yugoslavia	1993-Present	1	1
Rwanda Genocide	1994-2015	1	1

\* *Note.* 0 = No, 1 = Yes

\*\* *No record of victim or defendant participation could be found regarding the original trials following the Indonesian genocide at the time of this study. It was not until the International People's Tribunal 1965, that survivors were allowed to come and give testimony. No defendants were able to give their testimony since no individual person was indicted, but the entire state of Indonesia was (Duerr, 2015; International Center for Transitional Justice & KontraS, 2011; Pellegrini, 2012).*

During the hearings of the International Military Tribunal, the ICTY, and the ICTR, survivors were allowed to participate. However, they were only to participate as factual witnesses. The first trials for the Indonesian genocide have very little information that exists. At the time of this study, court transcripts were unable to be found. Thus, documentation of the participation of survivors or defendants was not found.

### **Principle of Neutrality**

Neutrality is the act of remaining impartial to the parties (e.g. prosecution and defense) and rooting decisions strictly on the evidence presented and not on other influences (e.g. personal

beliefs). To ensure neutrality in court rulings, different methods are implemented, such as the jury system. This study used the following variables: country of the trial, the presence of a jury, nationalities of jurors, judges, prosecutors, and defense attorneys to measure neutrality within the tribunals. By relocating the trial to a different neutral location, any bias of the local and domestic judiciary systems or towards those nationals being tried will be eliminated or highly reduced. Neutrality can also be argued by implementing court chamber members (e.g. judges, prosecutors, defense attorneys) not of the same nationality can eliminate or reduce bias.

Only two of the tribunals were relocated to a different country, the ICTY and the ICTR both held in the Netherlands and Tanzania, respectively. The other tribunals were held in the country, in which the event occurred (Dadrian, 1997; Extraordinary Chambers in the Courts of Cambodia, n.d.; International Center for Transitional Justice & KontraS, 2011; International Criminal Tribunal for the former Yugoslavia, n.d.; International Criminal Tribunal for Rwanda, n.d.; International Military Tribunal, 1947). The jury system was not used for any of the tribunals, meaning there were no juries.

Most of the tribunals, while not all re-located, did have court chambers that consisted of members of several different nationalities. The Turkish Military Tribunal was presided over by Turkish judges and the prosecution and defense attorneys were all national Turks. While the Armenian survivors did have legal representation; of which, all were Armenian; their counsel did not participate in the prosecution (Dadrian, 1997). The other tribunal, the one that first followed the Indonesian genocide, was conducted by the domestic judiciary system of Indonesia and thus were presided over and prosecuted and defended by national Indonesians (International Center for Transitional Justice & KontraS, 2011). Chambers of the International Military Tribunal were primarily multinational. Since the Nuremberg Trials were established by the victorious Allied

Powers after World War II, the judges and prosecutors' chambers were comprised of judges and prosecution counsel from France, the Soviet Union, the United Kingdom, and the United States. No Germans were a part of these chambers. However, the defense counsel for the defendants only consisted of national Germans.

Table 4. *Measurements of Neutrality 1*

Event	Trial Country	Presence of Jury	Were Jurors Multinational?
Armenian Genocide	Turkey	0	0
Holocaust	Germany	0	0
Indonesian Genocide	Indonesia	0	0
Cambodian Genocide	Cambodia	0	0
Ethnic Cleansing in the former Yugoslavia	Netherlands	0	0
Rwandan Genocide	Tanzania	0	0

*\*Note. 0 = No multinational chamber members, 1 = multinational chamber members*

Similarly, the ICTR and ICTY both had judges, prosecutors, and defense attorneys from several different countries, however, none were from Rwanda or from states that once made up the former Yugoslavia (Serbia, Slovenia, Croatia, Macedonia, Bosnia and Herzegovina, and Montenegro). In addition to being the first international tribunal that allowed such active victim participation, the ECCC was also the first hybrid court that was established to try perpetrators of genocide. A hybrid court, in this case the ECCC, combined both aspects of international law and Cambodian national law in one tribunal.

This also means that all of the ECCC's multinational chambers also had members who were Cambodians, a first for an international tribunal and an action that has not yet been repeated (Extraordinary Chambers in the Courts of Cambodia, n.d.). By having chamber members from

other nations as a part of the ECCC, this can balance out the bias that the ECCC may face by holding the tribunal in Cambodia and not in a neutral country.

Table 5. *Measurements of Neutrality 2*

Event	Were Judges Multinational?	Were Prosecutors Multinational?	Were Defense Counsels Multinational?
Armenian Genocide	0	0	0
Holocaust	1	1	0
Indonesian Genocide	0	0	0
Cambodian Genocide	1	1	1
Ethnic Cleansing in the former Yugoslavia	1	1	1
Rwandan Genocide	1	1	1

*\*Note. 0 = No multinational chamber members, 1 = multinational chamber members*

### **Principle of Trustworthy Actions**

The final principle of procedural justice that this study will examine, is that of the authority in charge demonstrating trustworthy actions (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). Regarding the international tribunals selected for this study, trustworthy actions made by the judges (those “in charge”) can include several different things, such as fair sentences based on the evidence presented and convictions, the ability of the defendants to appeal their case, and the rate of conviction overturns due to appeals.

The results show that the Turkish Military Tribunal (n=67) convicted at least 14 of the perpetrators who were indicted ( $\geq 20.9\%$  conviction rate and  $\geq 4.5\%$  acquittal rate) based on cases where outcome is known (Dadrian, 1997).

Table 6. *Measurements of Trustworthy Actions*

Event	Number of Convictions	Were Appeals Granted?	Number of Appeals	Number of Convictions Overturned	Number of Convictions Upheld
Armenian Genocide	14††	0	0**	0	0
Holocaust	19	0	0	0	0
Indonesian Genocide	18	1	18	18	0
Cambodian Genocide	6	1	3	0	1†
Ethnic Cleansing in the Former Yugoslavia	94	1	13	5	8***
Rwandan Genocide	65	1	39	4	35‡‡

\*Note. 0 = No, 1 = Yes

\*\* The convictions and sentences were not overturned. However, majority of those sentenced to death were sentenced after they had fled the Ottoman Empire and the sentences could not be carried out (Dadrian, 1997).

\*\*\* Six appeals resulted in reduced sentences and two are currently ongoing (International Criminal Tribunal for the former Yugoslavia, n.d.).

† Kang Kek Iew's appeal did not result in an overturning of his conviction, however their sentence was extended to life from 35 years. Additionally, Khieu Samphan and Nuon Chea's appeals are still ongoing (Extraordinary Chambers in the Courts of Cambodia, n.d.).

†† There were 14 convictions that could be counted, however, there were several others that were convicted, there were just no concrete numbers in the research.

‡‡ One appeal has resulted in a reduced sentence and one is still ongoing (International Criminal Tribunal for Rwanda, n.d.)

The International Military Tribunal (n=24) convicted 19 of those who were indicted (79.2% conviction rate, 16.87% acquittal rate, and 4.1% withdrawn rate). The first court proceedings that

followed the Indonesian genocide (n=34) convicted 18 of the perpetrators (52.9% conviction rate and 47.1% acquittal rate) (International Center for Transitional Justice & KontraS, 2011). As of now, the Extraordinary Chambers in the Courts of Cambodia (n=9) has convicted three of those responsible (33.3% conviction rate). To date, the ICTY (n=161) has convicted 94 people (58.5% conviction rate, 9.9% acquittal rate, 9.9% transfer rate, 21.2% withdrawn rate, and 0.6% ongoing rate) and the ICTR (n=93) has convicted 65 (69.9% conviction rate, 10.8% acquittal rate, 7.4% transfer rate, 5.3% withdrawn rate, and 6.5% ongoing rate) (International Criminal Tribunal for the former Yugoslavia, n.d.; International Criminal Tribunal for Rwanda, n.d.).

Four of the tribunals permitted acquittals following convictions and sentences: the original tribunal for the Indonesian genocide, the ECCC, the ICTY, and the ICTR. The tribunal for the Indonesian Genocide heard 18 appeals, the ECCC has heard three appeals, the ICTY has heard 13 appeals, and the ICTR has heard 39. All 18 of the appeals heard by the tribunal of the Indonesian genocide resulted in overturned convictions (100% overturn rate) (International Center for Transitional Justice & KontraS, 2011). No convictions were overturned due to the appeals heard at the ECCC (100% upheld rate). The appeals heard by the ICTY resulted in five overturned convictions and the appeals heard (61.5% upheld rate and 38.5% overturn rate), and so far by the ICTR has resulted in four overturned convictions (89.7% upheld rate and 10.3% overturn rate). The International Military Tribunal did not permit appeals, and the sentences were carried out immediately, with ten of those sentenced to death being executed ten days after the closing of the IMT on October 16, 1946 (Shnayerson, 1996). Additionally, the Turkish Military Tribunal neither allowed nor refused appeals. Following the tribunal, the new Turkish rulers resisted the ruling of the tribunal, and the resistance led to a loss of interest in carrying out the convictions (Dadrian, 1997).

Table 7. *Percentages: Rulings*

Event	Percentage of Convictions	Percentage of Acquittals	Percentage Transferred	Percentage Withdrawn	Percentage Unknown	Percentage Ongoing
Armenian Genocide	20.9%	4.5%	0%	0%	74.6%	0%
Holocaust	79.2%	16.7%	0%	4.1%	0%	0%
Indonesian Genocide	52.9%	47.1%	0%	0%	0%	0%
Cambodian Genocide	33.3%	0%	0%	33.3%	0%	33.4%
Ethnic Cleansing in the Former Yugoslavia	58.5%	9.9%	9.9%	21.1%	0%	0.6%
Rwandan Genocide	69.9%	10.8%	7.5%	5.3%	0%	6.5%

The sentences were recorded on the following interval scale: zero to 11 months, one to five years, six to ten years, 11 to 15 years, 16 to 20 years, 21 to 25 years, 26 to 30 years, 31 to 35 years, 35 to 40 years, 41 to 45 years, life imprisonment, and death. Of the known convictions of the Turkish Military Tribunal, one resulted in sentences that varied between one and five years, one sentence that varied between six and ten years, four that varied between 11 and 15 years, and 8 death sentences (Dadrian, 1997). Regarding the convictions of the International Military Tribunal, there was one sentence that varied between six and ten years, one sentence that varied between 11 and 15 years, one that varied between 16 and 20 years, three life sentences, and 12 death sentences. The original sentences of the tribunal first following the Indonesian genocide are unknown. The sentences issued by the ECCC include one sentence that varied between 31 and 35 years and three life sentences (Extraordinary Chambers in the Courts of Cambodia, n.d.).

Table 8. *Percentages: Appeal Outcomes*

Event	Percentages of Convictions Upheld	Percentages of Convictions Overturned
Armenian Genocide	-	-
Holocaust	-	-
Indonesian Genocide	0%	100%
Cambodian Genocide	100%	0%
Ethnic Cleansing in the Former Yugoslavia	61.5%	38.5%
Rwandan Genocide	89.7%	10.3%

The ICTY handed down ten sentences that varied between one and five years, 18 sentences that varied between six and ten years, 19 sentences that varied between 11 and 15 years, 25 sentences that varied between 16 and 20 years, nine sentences that varied between 21 and 25 years, five sentences that varied between 26 and 30 years, five sentences that varied between 31 and 35 years, three sentences that varied between 36 and 40 years, one sentence that varied between 41 and 45 years, and four life sentences (International Criminal Tribunal for the former Yugoslavia, n.d.). Finally, the sentences issued by the ICTR include: two sentences that varied between zero and 11 months, five sentences that varied between six and 10 years, eight sentences that varied between 11 and 15 years, three sentence that varied between 16 and 20 years, eight sentences between 21 and 25 years, five sentences that varied between 26 and 30 years, three sentences that varied between 31 and 35 years, two sentences that varied between 36 and 40 years, one sentence that varied between 41 and 45 years, and 27 life imprisonment sentences (International Criminal Tribunal for Rwanda, n.d.). It is important to note that since the International Military Tribunal there are no records of death sentences being issued by any of the tribunals. This is a practice that is still observed by the International Criminal Court (Elsea, 2003; International Criminal Court, n.d.). The reasoning behind this is unclear and the researcher was unable to find any sources that further explain the exclusion of the death penalty.

Table 9. *Sentences*

Event	0 – 11 months	1 – 5 years	6 – 10 years	11 – 15 years	16 – 20 years	21 – 25 years	26 – 30 years	31 – 35 years	36 – 40 years	41 – 45 years	Life	Death
Armenian Genocide*	0	1	1	4	0	0	0	0	0	0	0	8
Holocaust	0	0	1	1	1	0	0	0	0	0	3	12
Indonesian Genocide**	-	-	-	-	-	-	-	-	-	-	-	-
Cambodian Genocide***	0	0	0	0	0	0	0	1	0	0	3	0
Ethnic Cleansing in the Former Yugoslavia	0	10	18	14	25	9	5	5	3	1	4	0
Rwanda Genocide	2	0	5	8	3	8	5	3	2	1	27	0

\*Note. These sentences were the only sentences that were provided in Dadrian's (1997) article. Other sentences were issued, but the actual sentences were unknown.

\*\* The original sentences are unknown.

\*\*\*Two of the ten perpetrators who were convicted never received a sentence. Ieng Thirith's proceedings were suspended since she was deemed unfit to stand trial due to illness. Ieng Sary died before sentencing and the proceedings were terminated (Extraordinary Chambers in the Courts of Cambodia, n.d.).

## CHAPTER SEVEN

### DISCUSSION

The current study examined the fulfillment of the principle of procedural justice by the tribunals that followed the following six genocidal events: the Armenian genocide, the Holocaust, the Indonesian genocide, the Cambodian genocide, the ethnic cleansing in the former Yugoslavia, and the Rwandan genocide. Additionally, this study set out to answer two research questions: (1) how have the processes of procedural justice and their components developed over time in the international tribunals that try perpetrators of genocide and (2) do these court proceedings ensure that justice is served based on the components of procedural justice? If not, what policies could address this problem?

Previous research regarding the role of procedural justice in tribunals that try perpetrators of genocide has been scarce, as it has recently only begun to be studied. There are three principles of procedural justice that this study used to analyze the arguments of fair and just tribunals: (1) people are allowed to have a voice, (2) there is neutrality in decision making, and (3) the system in charge demonstrates trustworthy motives and concerns for welfare of those without power (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). Results are analyzed to determine whether or not the methods fulfilled the principles of procedural justice and led to trials that could be considered fair and just.

In the following section, each tribunal will be analyzed, based on the results from the data gathered.

### **Turkish Military Tribunal**

The Turkish Military Tribunal was the first tribunal formed to try perpetrators of crimes against humanity and genocide, although, overall, the tribunal was not extremely successful, it set a precedent for succeeding tribunals. Since the Turkish Military Tribunals, the formation and composition of tribunals have changed, but certain elements from this tribunal remain elements in later tribunals and the current ICC. The Turkish Military Tribunal permitted both survivors and defendants to testify at the trials. The Armenian survivors were even allowed to have their counsel, although their counsel was not able to partner with the prosecution. Any form of legal counsel for survivors is a practice that has not happened at another tribunal, although victim participation has and still occurs. By allowing victims and the defendants to participate in the trial proceedings of the tribunal, the tribunal successfully fulfilled the first principle of procedural justice.

There was pressure put on the Ottoman Empire to hold trials to punish those responsible for the Armenian genocide by Great Britain, and despite this influence by outside powers, the Turkish Military Tribunal did not have chambers that had members from these other powers. There were also no Armenian, or other Ottoman Empire ethnic groups, judges, prosecutors, or defense attorneys. The judges, prosecutors, and defense counsel were all Turks, and this calls into question the biases that were present at the trial. An example that demonstrates the controversy with neutrality was the depiction of the Armenians during the Yozgat trial. Although the prosecution was there to try the defendants, there were still problems with how the prosecution was portraying the Armenian victims and survivors, which resulted in a rift between

the tribunal and the Armenian legal representation (Dadrian, 1997). The prosecutions' representation of the Armenians faced such criticism that the judges ruled on the portrayal of the Armenians as provokers of the crimes committed against them (Dadrian, 1997). Additionally, the lack of a jury also calls into question the neutrality of the decisions made by the tribunal.

Of the six tribunals, the Turkish Military Tribunal was one of the tribunals that failed to display trustworthy actions and concern for those without power. This tribunal had the lowest conviction rate of the six, even lower than the original court that followed the Indonesian genocide. The sentences, overall, were fair for the convictions they accompanied. The detrimental action that compromised the trustworthiness of the actions of the tribunal was the sudden dropping of the tribunal and all remaining rulings issued by the tribunal. Only three of the sentences issued in the Yozgat Trial series, the death sentence of Mehmet Kemal and the death sentence of Feyyaz Ali, were carried out (Dadrian, 1997). Also, defendants who were being held in Malta were released, and key players who were sentenced were never sought out by the tribunal to carry out sentences (Dadrian, 1997). The failure to complete the tribunal hearings and carrying out the sentences shows that the chambers of the tribunal were not concerned about the welfare of those without power, nor did they demonstrate trustworthy motives with their actions, or lack thereof. While some of the components of the Turkish Military Tribunal did fulfill one of the principles of procedural justice and all the other elements began to meet the remaining components, but they did not complete the fulfillment. This inability to fulfill the principles of procedural justice resulted in a tribunal that cannot be considered procedurally fair or just.

## **International Military Tribunal**

Perhaps the most well-known for the six tribunals is the International Military Tribunal of the Nuremberg Trials. This trial and the other trials of the Nuremberg Trials have been closely studied and have been used as models in the formations of future international tribunals, particularly the ICC (Tomuschat, 2006). This is not to say that the International Military Tribunal did not face criticism and these criticisms become apparent in this study's results. First, the participation of both defendants and survivors were allowed, and the International Military Tribunal made sure that all of the defendants had translators to translate all of the proceedings, as well as their legal counsel (International Military Tribunal, 1947). By allowing these accommodations, the tribunal was able to ensure more active participation by the defendants. It is important to note that these accommodations were also available to the survivor witnesses who testified at the tribunal.

Similar to the Turkish Military Tribunal, the International Military Tribunal also did not use the jury system. While this does not necessarily impact the neutrality of the decisions made by the tribunal, it is possible that it can cause criticisms of decision neutrality. However, the International Military Tribunal was the first international tribunal to see multinational chamber members aside from the defense chamber. Both the judges and prosecutor chambers consisted of multinational members from the Allied Powers of World War II (France, the Soviet Union, the United Kingdom, and the United States). While this was a groundbreaking choice, it still faced criticisms since there were no chamber members from neutral states (e.g. Norway) (Aronson, 1998; Earl, 2013; Meltzer, 2002; Wolfe, 1998). Additionally, the lack of appeals and immediate execution of death sentences also impact the perception of neutral decisions.

The International Military Tribunal has the highest percentage of convictions of the six tribunals included in this sample (79.2%), as well as one of the lower acquittal percentages (20.8%). The high conviction rates can demonstrate substantial concern for those without power. However, the concerns regarding the neutrality of the decision-making of the International Military Tribunal can raise questions when it comes to whether or not the concern for those without power is rooted in genuine concern, or merely feelings of revenge against the Germans. Furthermore, the sentences for the 19 defendants consisted of 12 death sentences, three life sentences, and three other prison sentences of various years. Based on the crimes that were committed during the Holocaust, it appears that the sentences demonstrate trustworthy motives, since the sentences issued were not unusually harsh, compared to the crimes that were committed. While there are components that cause some concerns regarding the fulfillment of the principles of procedural justice, the International Military Tribunal is a vast improvement from the Turkish Military Tribunal and can be considered more procedurally fair and just.

### **Indonesian Genocide**

Of the six events discussed in this study, this is the event in which the least amount of information regarding the first tribunal that followed the 1965/66 genocide was found. Unlike the other five events, records were not able to be found regarding what exactly transpired during the proceedings. Only the number of those indicted, the number that was originally convicted, and the fact that all 18 were acquitted on appeal is known (International Center for Transitional Justice & KontraS, 2011; Pellegrini, 2012). The individuals who were indicted and convicted, and the original sentences that they received are unknown. Additionally, the amount of participation that survivors of the surviving relatives of victims, as well as the defendants, is also unknown. Furthermore, the original trials that followed the 1965/66 Indonesian genocide, were

held in Indonesia and subjected to the national domestic judiciary systems of Indonesia. The majority of the Indonesian population denies that the Indonesian genocide ever occurred. Since there were no outside judges, prosecutors, or defense attorneys this could mean that the perceptions of the members of these three chambers were biased by the vehement cultural denial that existed in Indonesia (Cribb, 2001; Pohlman, 2014). This bias would impact the neutrality of the decisions made by the courts.

Before the second tribunal, the International People's Tribunal (IPF) 1965, it is known that not one single perpetrator involved in carrying out the Indonesian genocide had been punished. The only attempt to punish perpetrators resulted in a horrible miscarriage of justice, which resulted in the creation of the IPF 1965 to bring forth charges against the nation of Indonesia (Duerr, 2015; International People's Tribunal, n.d.). No existing evidence could make the argument that the trials that initially followed were even remotely fair or just, particularly for the survivors and surviving relatives of victims.

### **The Extraordinary Chambers in the Courts of Cambodia**

The ECCC is still an ongoing tribunal, and this did have an effect on a couple of the results. However, the overall results were still able to be analyzed. Of the six tribunals used in this study, the ECCC had the fewest number of indicted perpetrators (n=10). The smaller number is due to the inability to find many other perpetrators outside of the top leaders of the Khmer Rouge Regime. This is a problem that each tribunal has experienced when trying perpetrators of genocide (Jones, 2006). However, this does not show a lack of interest in prosecuting perpetrators of genocide or a desire to cover-up the atrocities that happened during the genocide. Unlike the tribunal that followed the Indonesian genocide of the Turkish Military Tribunals, the ECCC did not face constant resistance from other Cambodians, nor did the the ECCC work to

prevent punishments of those responsible (Dadrian, 1997; Extraordinary Chambers in the Courts of Cambodia, n.d.; International Center for Transitional Justice & KontraS, 2011; Jones, 2006; Pellegrini, 2012).

Of the ten people who were indicted, currently six have been convicted, and the other four are still pending conviction as their trials are still ongoing. Appeals have also been granted to those who have been convicted, and all who have appealed have had their convictions upheld. Four of the six that have been convicted thus far have been sentenced and have been serving their sentences. This is due to two of those convicted, Ieng Sary and Ieng Thirith, not receiving sentences due to death and severe illness (Extraordinary Chambers in the Courts of Cambodia, n.d.). The other four sentences consisted of one sentence of 31 to 35 years' imprisonment and three life sentences. Based on the role that the perpetrators played in the implementation of the Cambodian genocide and the evidence that proves their role in the Khmer Rouge Regime, the sentences are arguably fair sentences. These actions demonstrate that the ECCC's actions can be considered trustworthy and their concern for those without power is a legitimate concern.

The ECCC is arguably the best tribunal for victim participation. Not only does the ECCC allow survivors and the families of victims participate by testifying and being able to share their experiences, they are also allowed to work with the prosecution in two ways: as a complainant or a civil party (Extraordinary Chambers in the Courts of Cambodia, n.d.; Herman, 2013; Jasini & Phan, 2011; Meijer, 2004). This allows a more active survivor participation. Additionally, the defendants were also permitted to testify and, similar to the International Military Tribunal of the Nuremberg Trials, they were also provided with translators for the trial proceedings. Just like at Nuremberg, this made it possible for the defendants to be more active in their defense and their trial.

While the ECCC remained in Cambodia, foreign chamber members were requested by the Cambodian government to form the first international hybrid tribunal to try perpetrators of the Cambodian genocide (Extraordinary Chambers in the Courts of Cambodia, n.d.; Herman, 2013). This outreach for additional foreign and neutral chamber members demonstrates the conscience effort of the Cambodian government to create an environment of neutrality, specifically regarding the decisions made by the ECCC. The foreign chamber members are there and can neutralize any bias that the Cambodian chamber members could have, since decisions must be unanimous before they can be issued (Extraordinary Chambers in the Courts of Cambodia, n.d.). Similar to the previous tribunals, the ECCC also did not use the jury system. However, the hybrid design of the court, created at the request of the state of Cambodia, combats any neutrality concerns that may arise from the lack of an unbiased jury. Arguably, the ECCC is the tribunal that can be considered the most procedurally fair and just. Their setup allows for more active and in-depth participation of survivors, as well as more neutral and accountable chambers who are demonstrating trustworthy actions and obvious concern for those without power.

### **International Criminal Tribunal for the Former Yugoslavia**

The ICTY is the tribunal that has had the most perpetrators indicted (n=161) and was the first of these tribunals directly created by the United Nations (International Tribunal for the former Yugoslavia, n.d.). Similar practices that were observed at the International Military Tribunal and the ECCC were also implemented at the ICTY, particularly the translation services for both survivors and defendants. Also, both survivors and the defendants were permitted to testify during the court cases. This allows a more active participation of both the survivors and defendants and gives them the opportunity to have a voice. While the survivor participation at

the ICTY is not at the level of the survivor participation of the ECCC, the participation is still allowing both defendants and survivors to share their voice and thus fulfills one of the principles of procedural justice.

Of the six tribunals that are included in this study, the ICTY was the first international tribunal that was finally held in a neutral location and the ICTY took place in the Netherlands (International Criminal Tribunal for the former Yugoslavia, n.d.). In addition to a neutral location, multinational chambers were still a part of this tribunal. However, unlike the International Military Tribunal and the ECCC, the chamber did not entirely consist of members from victorious nations of the Balkan Wars, nor did they consist of members from any of the states involved in the ethnic cleansing in Yugoslavia. The chamber members are appointed by the United Nations Secretary General and Security Council and thus are designated by a nonpartisan organization (International Criminal Tribunal for the former Yugoslavia, n.d.). Furthermore, all chambers do have stringent laws and rules that they must adhere to maintain neutrality and trustworthiness. However, this does not necessarily guarantee that the chamber members will remain either neutral or trustworthy. The set-up of the ICTY works to create a neutral environment for the trials to occur.

Of the 161 perpetrators indicted by the ICTY, 83 were convicted and 13 others were transferred to other jurisdictions for trial (International Criminal Tribunal for the former Yugoslavia, n.d.). Additionally, the ICTY has permitted appeals and the appeals hold a high rate of upholding the convictions first issued by the ICTY. However, the sentences of the upheld convictions have been reduced, based on the evidence presented by the defense counsel of the defendants. Sentences issued by the ICTY ranged a great amount, which shows that the judges were taking into consideration the evidence against each defendant and selecting sentences that

fit the crimes that the evidence was able to support. The appeals, as well as the sentences issued by the ICTY (which include many prison sentences from as little as a year to a life sentence) demonstrate trustworthy motives of the decision making of the ICTY. Outside of the results of the data, research of the services offered by the ICTY show that the chamber of the Registry is also responsible for caring for the survivor witnesses. The Registry provided them with resources that they need to cope with their experiences during the ethnic cleansing (International Criminal Tribunal for the former Yugoslavia, n.d.). This further demonstrates concern for those without power. Based on the results and the services offered by the ICTY, it can be argued that the ICTY successfully fulfills the principles of procedural justice and can be considered procedurally just and fair.

### **International Criminal Tribunal for Rwanda**

The Rwandan genocide occurred during the ethnic cleansing in the former Yugoslavia, and both the ICTY and the ICTR were established around the same time. The ICTY was first established in 1993 with the passing of Resolution 827 and began trial proceedings around 1996 (Aksar, 2004; International Criminal Tribunal for the former Yugoslavia, n.d.). Shortly after, the ICTR was established in November of 1994 with the passing of Resolution 955, and court proceedings began in 1995 (Aksar, 2004; International Criminal Court for Rwanda, n.d.; Schabas, 2006). However, the ICTR was the first international tribunal that tried perpetrators indicted for the crimes of genocide. The ICTR was also the first international tribunal that issued verdicts regarding committing the actual crime of genocide (International Criminal Tribunal for Rwanda, n.d.). Since both tribunals overlapped, many of the components and methods were used by both tribunals. Once again, translation services were offered to defendants to allow them to be more involved in their defense and their trials. Additionally, survivors were also permitted to

testify to the courts. This is a practice that is a common foundation of law and criminal justice systems and is a practice that is still a crucial component of the International Criminal Court, the international tribunal that has replaced individual international tribunals.

Again, similar to the ICTY, the ICTR was formed at the request of the United Nations and chamber members were appointed by the United Nations Security Council from neutral outside nations. The ICTR was also held in a neutral location, Tanzania. Both of these actions demonstrated the desire of the United Nations to hold the ICTR in a neutral environment and to eliminate any form of bias that could impact the decisions made and issued by any chamber of the ICTR. Furthermore, like the five preceding tribunals, the ICTR also did not use the jury system. Thus a jury was not present. According to Powell (2004), no international tribunals (including the ICC) have implemented the jury system due to the impracticability of compiling completely international juries for so many trials within each tribunal. During this study, the researcher was unable to find any sources that posed any problems with the lack of a jury at the international tribunals that relate to any of the principles of procedural justice.

The ICTR is second to the International Military Tribunal in highest conviction rate (67.7%) and lowest acquittal rate (32.3%). The ICTR also has the largest number of appeals to be held, currently at 39 appeals. In addition to the most number of appeals, the ICTR also has the second highest percentage of conviction upheld post-appeal (89.8%). Similar to the ICTY, the original sentences issued by the ICTR have ranged over prison sentences from a few months to life imprisonment. The extensive span of sentences demonstrates serious contemplation by the judges' chamber of the evidence presented by both the prosecution and defense considering the role of the defendant in the Rwanda genocide and the sentence which would best fit the role of the defendant. This serious contemplation by the judges' chamber show the trustworthy motives

of the ICTR. Further research also shows that the ICTR offers resources for survivors, similar to the resources offered by the ICTY. This reflects concern for those without power and aids the ICTR in fulfilling the principles of procedural justice, which results in the trial proceedings of the ICTR able to be considered procedurally just and fair.

Table 10. *Conclusion Summary*

Event	Principle of Voice	Principle of Neutrality	Principle of Trustworthy Actions	Overall Rating
Turkish Military Tribunals	High	Low	Low	Low
International Military Tribunal	High	Medium	Medium	Medium
Indonesian Genocide	Low	Low	Low	Low
ECCC	High	High	High	High
ICTY	High	High	High	High
ICTR	High	High	High	High

There has been considerable improvement in the formation and execution of international tribunals in trying perpetrators of genocide. The ability for survivors and defendants to participate in the trial proceedings of the tribunals has never presented a problem. The concern has risen from the level of participation for survivors and defendants. Early on translations services have been provided to all participating persons involved in the tribunals and this has made it possible for defendants to participate and follow along and actively participation in their defense. These translations services have also made it possible for the survivors to share their testimony with the tribunal as well. The greatest change in survivor participation has been the role that survivors can fulfill in the tribunals. Until the ECCC, survivors were only able to

participate as factual witnesses. The ECCC was the first international tribunal that allowed survivors to participate in the prosecution as civil party litigants. While this practice has not been replicated in the international tribunals that followed the ethnic cleansing in Yugoslavia or the genocide in Rwanda. However, both tribunals have provided additional resources to the survivors, to provide psychiatric care and venues to receive reparations. Through the tribunals providing of these resources, there is also evidence that the tribunals' concerns for the welfare of those without power has also improved and become a central component of the workings of the tribunals.

Another change that has taken place within the tribunals has been the makeup of the chambers' members. The Turkish Military Tribunal consisted of judges, prosecutors, and defense counsel who were all Turkish. This happened again with the court proceedings that followed the Indonesian genocide. The International Military Tribunal was the first tribunal that had chamber members that were not citizens of the country that the genocide occurred in. However, these chamber members were appointed by the Allied Powers (France, the Soviet Union, The United Kingdom, and the United States) after they had won World War II. While having outside chamber members aid in ensuring that these tribunals are neutral, it is more important also to have chamber members who are also neutral since biases can still lie with outside members. This was addressed in the ECCC, ICTY, and ICTR with the appointment of neutral outside chamber members by the United Nations. Additionally, holding the tribunals in neutral locations also began with the ICTY and is still a practice of the ICC.

The final change to occur was the discontinuation of the death penalty with the ECCC and the ICTY and ICTR. The researcher was unable to find a concrete answer as to why the death penalty was no longer used. The most educated guess would be the big debate that

surrounds the death penalty and the fact that not every country has the death penalty has an option for punishment. Regarding sentences issued by the tribunals, sentences are still being issued based on the charges that defendants are convicted of and the proportionality of the sentence to the crimes that were committed.

### **Policy Implications/Future Directions**

Overall, the tribunals have shown improvement in fulfilling the principles of procedural justice and thus making the trials brought before the ICC more procedurally just and fair. To maintain procedural justness and fairness in the ICC and in any other tribunal that may be formed to try perpetrators of genocide, it is important for those chambers involved to take into consideration the role of procedural justice in ensuring fair and just trials. Since the theory of procedural justice combines components of other legal processes (due process, natural justice, fundamental justice, and procedural fairness) which are fundamental foundations of other criminal justice systems, there is information and examples of each process that can be reviewed (Bone, 2003; Tyler, 1990). Upon review, replication of the practices of these legal process in other criminal justice systems will be able to used within tribunals that may occur.

In addition, steps to fulfill all of the principles of procedural justice need to be taken. While this study only looks at three of the primary principles of procedural justice, there are four primary principles of procedural justice: (1) all are allowed to have a voice, (2) there is neutrality and transparency in decision-making, (3) the system in charge demonstrated trustworthy motives and concerns for welfare of those without power, and (4) people are treated with dignity and respect (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). When

these principles are fulfilled, the trials and tribunals will be perceived as more procedural fair and just. The first, and perhaps simplest, way to fulfill these principles is to allow survivors to have more active roles in the trial proceedings of the tribunals, if they so choose. This also shall be available to the defendants of each trial. Currently, the ICC does allow both survivors and defendants to testify (International Criminal Court, n.d.). Allowing the survivors or living relatives of the victims to also have legal counsel (although more active than the legal counsel at the Turkish Military Tribunals), as well as allowing the civil law system so survivors and victims' families can be an equal party to the prosecution and possibly be rewarded reparations (Extraordinary Chambers in the Courts of Cambodia, n.d.).

Perhaps the two most important principles are neutrality and transparency in decision-making and trustworthy actions and concern for those without power, and it is critical to ensure that these two principles are being fulfilled. The ICC currently has three divisions (Pre-Trial, Trial, and Appeals) with six judges in each division (International Criminal Court, n.d.). To monitor the enactment of these two principles, the addition of another division that oversees the decisions and actions of the other divisions would be helpful. This chamber could be comprised of other judges, prosecutors, or defense attorneys who will rotate among the different trials and they will review decisions and actions, specifically looking to ensure the decisions are rooted in the evidence and are neutral and transparent and that the actions taken are trustworthy. Furthermore, this chamber or an additional chamber would have the responsibility to monitor the interactions of the other chamber members, survivors, defendants, and other witnesses, in order to ensure that all are treated with dignity and respect. If a new chamber is used, similar to the previously discussed chamber, the new chamber members can also rotate out among the trials. The new chamber(s) will be responsible for holding their fellow judges, prosecutors, and defense

attorneys responsible for the decisions and actions, as well as ensuring that principles of procedural justice are fulfilled, resulting in procedurally just and fair tribunals.

### **Limitations**

As with all studies, this study is not without its limitations. Five primary limitations accompany this study. First, there is no universal definition of procedural justice. Similar to the definition of genocide, the definition of procedural justice differs depending on the scholar and situation that you discuss. The lack of a universal definition comes from many principles that procedural justice includes and how interchangeable these principles are with the different definitions of procedural justice. The interchangeability of the principles of procedural justice poses another limitation to this study. There were excluded principles of procedural justice; specifically, the principle that all people are treated with dignity and respect and that all decisions are demonstrating transparency, in addition to neutrality. These excluded principles can include principles that the tribunals have failed to fulfill and thus affects the fairness and justness of the tribunals, which will not be reflected in the data and results.

While the data is completely objective, the analyses conducted in the study are somewhat subjective. This is yet another limitation of this study. The variables were selected at the discretion of the researcher, based on components that can be used to fulfill the basic components of procedural justice (i.e. due process, fundamental justice, natural justice, and procedural fairness) and the principles that were selected for this study (Bone, 2003; (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler 1990; Tyler & Wakslak, 2004). When another researcher decides to replicate this study, they could choose other variables that could

also be used to determine the fairness and justness of the tribunals based on the fulfillment of the principles of procedural justice (or other principles).

An important limitation to acknowledge is the incompleteness of resources for two of the tribunals: the Turkish Military Tribunal and the tribunal that followed the Indonesian genocide. Both genocides have many deniers and occurred in nations that refuse to acknowledge the genocides ever occurred, in addition to refusing to take responsibility (Dadrian, 1997; Duerr, 2015; International Center for Transitional Justice & KontraS, 2011; Pellegrini, 2012). The lack of resources and court documents has led to incomplete data, at least for this researcher. There are records of what occurred during the Turkish Military Tribunal, but these records primarily come from articles in the *Takvim-i-Vekâyi*; however, these archives are not complete and do not include all of the details from all of the trials encompassed under the Turkish Military Tribunals (Dadrian & Akçam, 2011). For the court that followed the Indonesian genocide, unlike the other tribunals, there are no surviving documents or recounts of what really happened. It is still important to study both tribunals in order to learn from the mistakes made.

Additionally, the interpretation of the selected variables can also differ based on the researcher conducting the study. For example: another researcher may not agree that having chamber members with different nationalities means the decisions made by the tribunal are unbiased. To further test this and the role of other variables (both included and not included in this study) in the developing the perceptions of the tribunals as fair and just, a content analysis of court transcripts or other, more in-depth analyses should be conducted for more objective results. The manner in which certain data was coded also provides another limitation to this study. The coding method for the participation variables is simply coding whether or not survivors and defendants were able to participate. This does not take into consideration the level of

involvement for the defendants and survivors of each case. As it was discussed previously, the manner in which defendants and survivors were able to participate has evolved from the Turkish Military Tribunal to the ICTR. To address this limitation, future studies should examine the participation methods of these tribunals and present data that will analyze these methods more in-depth and the role they play in fulfilling the principles of procedural justice. Similar to the coding of the participation variables, the coding of the neutrality variables presents the same problem. The coding is specifically designating whether or not each chamber is made up of members of different nationalities. Certain multinational parties may not be as neutral as other multinational parties. This is observed with the chamber members of the International Military Tribunal of the Nuremberg Trials. There is still criticism that the chambers of the International Military Tribunal were not as neutral as they should have been (Meltzer, 2002). Future research needs to better examine the relationship between multinational chambers and perceptions of neutrality of those chamber members.

Furthermore, this study only looks at six specific examples, and there are a dozen genocide events that have been addressed with an international tribunal that could have been (and should be) included. This also means the analyses is not comprehensive to all events. Replications of this study and further analyses need to also be conducted for the other events that have happened in the past and for the cases that have been brought before the ICC and will be brought forth.

## CHAPTER 8

### CONCLUSIONS

The act of genocide has been a phenomenon that has an extensive history. Despite this lengthy history, the study of genocide from any perspective is a fairly recent field and the criminological and legal approaches to genocide are even newer approaches within the fields of criminology, law, and genocide studies. This study is one of the few studies that are addressing the presence and role of procedural justice in the international tribunals that have been established to try perpetrators of genocide. In order to accomplish this, the researcher of this study examined the fulfillment of three principles of Tom Tyler's (1990) theory of procedural justice by the six international tribunals selected.

The three principles discussed were the ability of all to have a voice, neutrality in decision-making, and the demonstration of trustworthy actions and concern for those without power (Hinds, 2007; Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Johnathan-Zamir, Mastrofski, & Moyal, 2015; Killean, 2016; Mazerolle, Bennett, Davis, Sargeant, Manning, 2013; Rosenbaum, Lawrence, Hartnett, McDevitt, & Hoosick, 2015; Tyler & Wakslak, 2004). Based on the results from the data gathered, both the Turkish Military Tribunal and the tribunal that first followed the Indonesian genocide cannot be considered procedurally fair and just. While the International Military Tribunal of the Nuremberg Trials can be regarded as fairly procedurally fair and just, there were some practices that caused some concern regarding the neutrality of decisions and the trustworthiness of the tribunal's actions. Finally, the ECCC, ICTY, and ICTR can all be considered procedurally fair and just

More in-depth studies need to be conducted in order to fully understand the role of procedural justice in these international tribunals and to better measure the perceptions fairness and justness of each of the tribunals. It is important for members of the tribunals from all chambers to examine the presence of procedural justice and fir measures to be taken in order to ensure the principles of procedural justice are fulfilled, and that repeats of the Turkish Military Tribunal and the tribunal following the Indonesian genocide are not repeated and that justice is always fair and just.

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APPENDIX A

State	Signatory Date	Ratification Date	Enforcement Date
Afghanistan	N/A	February 10, 2003	May 01, 2003
Albania	July 18, 1998	January 31, 2003	May 01, 2003
Andorra	July 18, 1998	April 30, 2001	July 01, 2002
Antigua and Barbuda	October 23, 1998	June 18, 2001	July 01, 2002
Argentina	January 08, 1999	February 08, 2001	July 01, 2002
Australia	December 09, 1998	July 01, 2002	September 01, 2002
Austria	October 07, 1998	December 28, 2000	July 01, 2002
Bangladesh	September 16, 1999	March 23, 2010	June 01, 2010
Barbados	September 08, 2000	December 10, 2002	March 01, 2003
Belgium	September 10, 1998	June 28, 2000	July 01, 2002
Belize	April 05, 2000	April 05, 2000	July 01, 2002
Benin	September 24, 1999	January, 22 2002	July 01, 2002
Bolivia	July 17, 1998	June 27, 2002	September 01, 2002
Bosnia and Herzegovina	July 17, 1998	April 11, 2002	July 01, 2002
Botswana	September 08, 2000	September 08, 2000	December 01, 2004
Brazil	February 07, 2000	June 20, 2002	September 01, 2002
Bulgaria	February 11, 1999	April 11, 2002	July 01, 2002
Burkina Faso	November 20, 1998	April 16, 2004	July 01, 2004
Burundi*	January 13, 1999	September 21, 2004	December 01, 2004

Cabo Verde	December 28, 2000	October 11, 2011	N/A
Cambodia	October 23, 2000	April 11, 2002	July 01, 2002
Canada	December 18, 1998	July 07, 2000	July 01, 2002
Central African Republic	December 12, 1999	October 03, 2001	July 01, 2002
Chad	October 20, 1999	November 01, 2006	January 01, 2007
Chile	September 11, 1998	June 29, 2009	September 01, 2009
Colombia	December 10, 1998	August 05, 2002	November 01, 2002
Comoros	September 22, 2000	August 18, 2006	November 01, 2006
Cook Islands	N/A	July 18, 2008	October 01, 2008
Costa Rica	October 07, 1998	June 07, 2001	July 01, 2002
Côte d'Ivoire	November 30, 1998	February 15, 2013	May 01, 2013
Croatia	October 12, 1998	May 21, 2001	July 01, 2002
Cyprus	October 15, 1998	March 07, 2002	July 01, 2002
Czech Republic	April 13, 1999	July 21, 2009	October 01, 2009
Democratic Republic of the Congo	September 08, 2000	August 18, 2006	November 01, 2006
Denmark	September 25, 1998	June 21, 2001	July 01, 2002
Djibouti	October 07, 1998	November 05, 2002	February 01, 2003
Dominica	N/A	February 12, 2001	July 02, 2002
Dominican Republic	September 08, 2000	May 12, 2005	August 01, 2005
Ecuador	October 01, 1998	February 05, 2002	July 01, 2002
El Salvador	N/A	March 03, 2016	June 01, 2016
Estonia	December 27, 1999	January 30, 2002	July 01, 2002

Fiji	November 29, 1999	November 29, 1999	July 01, 2002
Finland	October 07, 1998	December 29, 2000	July 01, 2002
France	July 18, 1998	June 09, 2000	July 01, 2002
Gabon	December 22, 1998	September 20, 2000	July 01, 2002
Gambia**	December 04, 1998	June 28, 2002	September 01, 2002
Georgia	July 18, 1998	September 05, 2003	December 01, 2003
Germany	December 10, 1998	December 11, 2000	July 01, 2002
Ghana	July 18, 1998	December 20, 1999	July 01, 2002
Greece	July 18, 1998	May 15, 2002	August 01, 2002
Grenada	N/A	May 19, 2011	August 01, 2011
Guatemala	N/A	April 02, 2012	July 01, 2012
Guinea	September 07, 2000	July 14, 2003	October 01, 2003
Guyana	December 28, 2000	September 24, 2004	December 01, 2004
Honduras	October 07, 1998	July 01, 2002	September 01, 2002
Hungary	January 15, 1999	November 30, 2001	July 01, 2002
Iceland	August 26, 1998	May 25, 2000	July 01, 2002
Ireland	October 07, 1998	April 11, 2002	July 01, 2002
Italy	July 18, 1998	July 26, 1999	July 01, 2002
Japan	N/A	July 17, 2007	October 01, 2007
Jordan	N/A	April 11, 2002	July 01, 2002
Kenya	August 11, 1999	March 15, 2005	June 01, 2005
Latvia	April 22, 1999	June 28, 2002	September 01, 2002
Lesotho	November 30, 1998	September 06, 2000	July 01, 2002

Liberia	July 17, 1998	September 22, 2004	December 01, 2004
Liechtenstein	July 18, 1998	October 02, 2001	July 01, 2002
Lithuania	December 10, 1998	May 12, 2003	August 01, 2003
Luxembourg	October 13, 1998	September 08, 2000	July 01, 2002
Madagascar	July 18, 1998	March 14, 2008	June 01, 2008
Malawi	March 02, 1999	September 19, 2002	December 01, 2002
Maldives	N/A	September 21, 2011	December 01, 2011
Mali	July 17, 1998	August 16, 2000	July 01, 2002
Malta	July 17, 1998	November 29, 2002	February 01, 2003
Marshall Islands	September 06, 2000	December 07, 2000	July 01, 2002
Mauritius	November 11, 1998	March 05, 2002	July 01, 2002
Mexico	September 07, 2000	October 28, 2005	January 01, 2006
Mongolia	December 29, 2000	April 11, 2002	July 01, 2002
Montenegro	N/A	October 23, 2006	June 03, 2006
Namibia	October 27, 1998	June 25, 2002	September 01, 2002
Nauru	December 13, 2000	November 12, 2001	July 01, 2002
Netherlands	July 18, 1998	July 17, 2001	July 01, 2002
New Zealand	October 07, 1998	September 07, 2000	September 07, 2000
Niger	July 17, 1998	April 11, 2002	April 11, 2002
Nigeria	June 01, 2000	September 27, 2001	September 27, 2001
Norway	August 28, 1998	February 16, 2000	February 16, 2000
Palestine	N/A	January 02, 2015	January 02, 2015
Panama	July 18, 1998	March 21, 2002	March 21, 2002

Paraguay	October 07, 1998	May 14, 2001	July 01, 2002
Peru	December 28, 2000	November 10, 2001	July 01, 2002
Philippines	December 28, 2000	August 30, 2011	November 01, 2011
Poland	April 09, 1999	November 12, 2001	July 01, 2002
Portugal	October 07, 1998	February 05, 2002	July 01, 2002
Republic of the Congo	July 17, 1998	May 03, 2004	August, 01, 2004
Republic of Korea	March 08, 2000	November 13, 2002	February 01, 2003
Republic of Macedonia	October 07, 1998	March 06, 2002	July 01, 2002
Republic of Moldova	September 08, 2000	October 12, 2010	January 01, 2011
Romania	July 07, 1999	April 11, 2002	July 01, 2002
Saint Kitts and Nevis	N/A	August 22, 2006	November 01, 2006
Saint Lucia	August 27, 1999	August 22, 2006	November 01, 2010
Saint Vincent and the Grenadines	N/A	December 03, 2002	March 01, 2003
Samoa	July 17, 1998	September 16, 2002	December 01, 2002
San Marino	July 18, 1998	May 13, 1999	July 01, 2002
Senegal	July 18, 1998	February 02, 1999	July 01, 2002
Serbia	December 19, 2002	September 06, 2001	July 01, 2002
Seychelles	December 28, 2000	August 10, 2010	November 01, 2010
Sierra Leone	October 17, 1998	September 15, 2000	July 01, 2002
Slovakia	December 23, 1998	April 11, 2002	July 01, 2002
Slovenia	October 07, 1998	December 31, 2001	July 01, 2002
South Africa***	July 17, 1998	November 27, 2000	July 01, 2002

Spain	July 18, 1988	October 24, 2000	July 01, 2002
Suriname	N/A	July 15, 2008	October, 01, 2008
Sweden	October 07, 1998	June 28, 2001	July 01, 2002
Switzerland	July 18, 1998	October 12, 2001	July 01, 2002
Tajikistan	November 30, 1998	May 05, 2000	July 01, 2002
Timor-Leste	N/A	September 06, 2002	December 01, 2002
Trinidad and Tobago	March 23, 1999	April 06, 1999	July 01, 2002
Tunisia	N/A	June 24, 2011	September 01, 2011
Uganda	March 17, 1999	June 14, 2002	September 01, 2002
United Kingdom	November 30, 1998	October 04, 2001	July 01, 2002
United Republic of Tanzania	December 29, 2000	August 20, 2002	November 01, 2002
Uruguay	December 19, 2000	June 28, 2002	September 01, 2002
Vanuatu	N/A	December 02, 2011	February 01, 2012
Venezuela	October 14, 1998	June 07, 2000	July 01, 2002
Zambia	July 17, 1998	November 13, 2002	February 01, 2003

*\*Note. Burundi withdrew from the Rome Statute on October 26, 2016; effective the next year.*

*\*\* Gambia withdrew from the Rome Statute on November 10, 2016; effective the next year.*

*\*\*\* South Africa withdrew on October 19, 2017; effective the next year (ICC, n.d.).*

## APPENDIX B

### Turkish Military Tribunal Indictees

#### **Yozgat Trial Series**

1. Feyyaz Ali – evkaf memuru (*government real estate agent*)  
Guilty (Death)
2. Mehmet Kemal – kaymakam (*sub-district governor*)  
Guilty (Death)
3. Major Mehmet Tefvik – commander of the Yozgat gendarmery battalion  
Guilty (15 years)

#### **Trabzon Trial Series**

1. Cemal Azmi  
Guilty (Death)
2. Yenibahçeli Nail  
Guilty (Death)
3. Ahmet Mustafa – agent of the maritime company Seyri Sefain
4. Mehmet Ali – Director of Customs and Trustee of the Red Crescent Hospital  
Guilty (10 years of forced labor)
5. Niyazi  
Acquitted
6. Nuri – Trabzon’s Police Chief  
Guilty (1 year)
7. Talât – Lt. Colonel, Gendarmery Commander; Commission of Military Requisitions  
Acquitted
8. Dr. Ali Saib – Director of Trabzon’s Health Services  
Acquitted
9. Yusuf Riza – Artillery Major

#### **Responsible Secretaries Series**

1. Dr. Ahmed Midhat
2. Inspector Abdül Gani
3. Hasan Fehmi

#### **Wartime Cabinet Ministers and Top Ittihadist Leaders Series**

1. Grand Vizier Said Halim
2. Grand Vizier Mehmet Talât  
Guilty (Death)
3. General Secretary Midhat Şükrü Ittiha

4. Küçük Talât
5. Foreign Minister and President of the Chamber of Deputies Halil Meinteşe
6. Ziya Gökalp
7. Head of National Security Office Ismail Canbolat
8. Şeyhülislam Musa Kâzim
9. Mustafa Kemal
10. Special Organization Administrator Kambur Atif
11. Yuzuf Riza
12. Ismail Enver  
Guilty (Death)
13. IVth Army Commander Ahmet Cemal  
Guilty (Death)
14. Dr. Behaeddin Şakir
15. Dr. Mehmet Nazim  
Guilty (Death)
16. Chief Erzurumlu Aziz
17. Hüseyin Haşim
18. “Topal” Rifat
19. Şeyhülislam Musa Kâzim  
Guilty (15 years of hard labor)
20. Şeyhülislam Esad
21. Economics Minister Cavid  
Guilty (15 years of hard labor)
22. Commerce and Agriculture Minister Mustafa Serif  
Guilty (15 years of hard labor)

*\*Note: Appendix incomplete and only includes those named in Dadrian (1997) and Dadrian and Akçam (2011).*

APPENDIX C

International Military Tribunal Defendants

Defendant	Charge One	Charge Two	Charge Three	Charge Four	Sentence
Martin Bormann	I	-	G	G	Death
Karl Dönitz	I	G	G	-	10 years
Hans Frank	I	-	G	G	Death
Wilhelm Frick	I	G	G	G	Death
Hans Fritzsche	I	I	I	-	N/A
Walther Funk	I	G	G	G	Life in Prison
Hermann Göring	G	G	G	G	Death
Rudolf Hess	G	G	I	I	Life in Prison
Alfred Jodl	G	G	G	G	Death
Ernst Kaltenbrunner	I	-	G	G	Death
Wilhelm Keitel	G	G	G	G	Death
Gustav Krupp von Bohlen und Halbach*	-	I	I	I	N/A
Robert Ley	I	I	I	I	N/A
Konstantin von Neurath	G	G	G	G	15 years
Franz von Papen	I	I	-	-	N/A

Erich Raeder	G	G	G	-	Life in Prison
Joachim von Ribbentrop	G	G	G	G	Death
Alfred Rosenberg	G	G	G	G	Death
Fritz Sauckel	I	I	G	G	Death
Dr. Hjalmar Schacht	I	I	-	-	N/A
Baldur von Schirach	I	-	-	G	20 years
Arthur Seyess-Inquart	I	G	G	G	Death
Albert Speer	I	I	G	G	20 years
Julius Streicher	I	-	-	G	Death

*\*Note. Gustav Krupp von Bohlen und Halbach committed suicide before the beginning of the IMT and did not stand trial (International Military Tribunal, 1947).*

*Charge one: Participation or conspiracy in the committing of a crime against peace.*

*Charge two: Planning, initiating and carrying out wars of aggression and/or other peace crimes.*

*Charge three: War crimes.*

*Charge four: Crimes against humanity.*

## APPENDIX D

### ECCC Defendants

#### **Ao An**

Charges: Crimes against humanity  
Genocide  
Violations of the 1956 Cambodian Penal Code  
Conviction: N/A (Case is pending investigation.)  
Sentence: N/A

#### **Im Chaem**

Charges: Crimes against humanity  
Violations of the 1956 Cambodian Penal Code  
Conviction: N/A (Charges were dropped.)  
Sentence: N/A

#### **Nuon Chea**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Conviction: Guilty  
Sentence: Life Imprisonment

#### **Kaing Guek Eav**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide  
Conviction: Guilty  
Sentence: 35 years

#### **Meas Muth**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide  
Violations of the 1956 Cambodian Penal Code  
Conviction: N/A (Case is pending investigation.)  
Sentence: N/A

**Khieu Samphan**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide

Conviction: Guilty

Sentence: Life Imprisonment

**Ieng Sary**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide

Conviction: N/A (He died during judicial proceedings.)

Sentence: N/A

**Ieng Thirith**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide

Conviction: N/A (She was deemed unfit to stand trial and released.)

Sentence: N/A

**Yim Tith**

Charges: Crimes against humanity  
Breaches of the Geneva Conventions of 1949  
Genocide  
Violations of the 1956 Cambodian Penal Code

Conviction: N/A (Case is pending investigation.)

Sentence: N/A

## APPENDIX E

### ICTY Indictes

#### **Ademi, Rahim**

Charges: Persecutions on political, racial, and religious grounds; murder; plunder of public/private property; destruction of cities, towns, or villages.

Status: Transferred

#### **Alagić, Mehmed**

Charges: Murder; violence to life and person; cruel treatment; destruction of cities, towns or villages, plunder of public/private property; destruction or willful damage to religious institutions; willful killing; willfully inflicting great suffering or serious bodily/health injury; inhumane treatment; unlawful confinement of civilians; and extensive destruction of property.

Status: Deceased prior to conviction.

#### **Aleksovski, Zlatko**

Charges: Inhumane treatment; willfully causing serious bodily/health harm; outrageous upon personal dignity

Conviction: Guilty

Sentence: 2.5 years

Appeal Sentence: 7 years

#### **Alilović, Stipo**

Charges: Charges unclear.

Status: Deceased prior to conviction.

#### **Babić, Milan**

Charges: Persecutions on political, racial, and religious grounds; murder; cruel treatment; destruction of villages; destruction or willful damage to religious/educational institutions

Conviction: Guilty

Sentence: 13 years

#### **Babić, Mirko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Bala, Haradin**

Charges: Imprisonment, torture, inhumane acts; murder; cruel treatment

Conviction: Guilty

Sentence: 13 years

**Balaj, Idriz**

Charges: Persecutions (harassment, deportation/forcible transfer, rape); torture; murder; cruel treatment

Conviction: Acquitted

**Banović, Nenad**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn

**Banović, Predrag**

Charges: Persecutions on political, racial, and religious grounds; inhumane acts; torture; murder; cruel treatment

Conviction: Guilty

Sentence: 8 years

**Beara, Ljubiša**

Charges: Extermination; murder; persecutions; inhumane acts (forcible transfer); deportation; murder

Conviction: Guilty

Sentence: Life Imprisonment

**Blagojević, Vidoje**

Charges: Complicity to commit genocide; extermination; murder; persecutions on political, racial, and religious grounds; inhuman acts (forcible transfer); murder

Conviction: Guilty

Sentence: 18 years

Appeal Sentence: 15 years

**Blaškić, Tihomir**

Charges: Willful killing; willfully causing great suffering or serious bodily/heath harm; extensive destruction of property; inhumane treatment; taking civilians as hostage; unlawful attacks on civilians; violence to life and person; plunder of public/private property; destruction or willful damage to religious/educational institutions; cruel treatment; persecutions of political, racial, or religious grounds; murder; cruel treatment

Conviction: Guilty

Sentence: 45 years

Appeal Sentence: 9 years

**Bobetko, Janko**

Charges: Persecutions; murder; plunder of public/private property; destruction of cities, towns, or villages

Status: Charges terminated due to his death.

**Borovčanin, Ljubomir**

Charges: Extermination; murder; persecutions; inhumane acts (forcible transfer); deportation; murder

Conviction: Guilty

Sentence: 17 years

**Borovnica, Goran**

Charges: Persecutions on political, racial, or religious grounds; rape; murder; inhumane acts; willful killing; torture; willfully causing serious bodily/heath injury; cruel treatment

Status: Charges withdrawn.

**Boškoski, Ljube**

Charges: Murder; destruction of cities, towns, or villages; cruel treatment

Conviction: Acquitted

**Brahimaj, Lahi**

Charges: Persecutions (harassment, deportation/forcible transfer, rape); torture; murder; cruel treatment

Conviction: Guilty

Sentence: 6 years

Status: Acquitted upon appeal

**Bralo, Miroslav**

Charges: Unlawful confinement of civilians; torture; inhumane treatment; murder; outrages upon human dignity (rape); persecutions on political, racial, and religious grounds

Conviction: Guilty

Sentence: 20 years

**Brdanin, Radoslav**

Charges: Genocide; complicity in genocide; persecutions; extermination; torture; deportation; inhumane acts (forcible transfer); destruction of cities. Towns. Or villages; destruction of willful damage to religious institutions; willful killing; extensive destruction and appropriation of property

Conviction: Guilty

Sentence: 32 years

Appeal Sentence: 30 years

**Čerkez, Mario**

Charges: Willful killing; willfully causing serious bodily/health harm; inhumane treatment; unlawful confinement of civilian; taking civilians as hostage; extensive destruction of property; unlawful attacks on civilians; murder; violence to life and person; cruel treatment; plunder of public/private property; destruction or willful damage to religious/educational institutions; persecutions on political, racial, or religious grounds; inhumane acts; imprisonment

Conviction: Guilty

Sentence: 15 years

Appeal Sentence: 6 years

**Čermak, Ivan**

Charges: Murder; cruel treatment; plunder of public/private property; destruction of cities, towns, or villages; deportation; inhumane acts; murder; persecutions on political, racial, and religious grounds

Conviction: Acquitted

**Češić, Ranko**

Charges: Murder; humiliating and degrading treatment; rape

Conviction: Guilty

Sentence: 18 years

**Ćorić, Valentin**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 16 years

**Delalić, Zejnil**

Charges: Willful killing; inhumane treatment; unlawful confinement of a civilian; cruel treatment; murder; torture; willfully causing great suffering or injury

Conviction: Acquitted

**Delić, Hazim**

Charges: Murder; rape; cruel treatment

Conviction: Guilty

Sentence: 20 years

Appeal Sentence: 18 years

**Delić, Rasim**

Charges: Willful killing; inhumane treatment; unlawful confinement of a civilian; cruel treatment; causing great suffering or serious injury; plunder of public/private property; murder; torture

Conviction: Guilty

Sentence: 3 years

**Deronjić, Miroslav**

Charges: Persecutions on political, racial, and religious grounds.

Conviction: Guilty

Sentence: 10 years

**Dokmanović, Slavko**

Charges: Inhumane acts; murder; cruel treatment; willful killing; willfully causing great suffering.

Status: Proceedings terminated due to his death.

**Dorđević, Vlastimir**

Charges: Deportation; inhumane acts; murder; persecutions on political, racial, or religious grounds

Conviction: Guilty

Sentence: 27 years

Appeal Sentence: 18 years

**Došen, Damir**

Charges: Persecutions on political, racial, or religious grounds; inhumane acts; torture; outrages upon person dignity; cruel treatment

Conviction: Guilty

Sentence: 5 years

**Drljača, Simo**

Charges: Genocide; complicity in genocide; extermination; willful killing; murder; persecution; torture; cruel treatment; willfully causing great suffering; deportation; unlawful transfers; destruction or devastation of villages; extensive damage/appropriation of property

Status: Charges terminated upon his death

**Đukić, Đorđe**

Charges: Inhumane acts

Status: Proceedings terminated upon his death

**Erdemović, Dražen**

Charges: Murder; crimes against humanity

Conviction: Guilty

Sentence: 5 years

**Furundžija, Anto**

Charges: Torture; outrages upon personal dignity (rape)

Conviction: Guilty

Sentence: 10 years

**Fuštar, Dušan**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Transferred

**Gagović, Dragan**

Charges: Torture; rape

Status: Charges withdrawn upon his death

**Galić, Stanislav**

Charges: Murder; inhumane acts; unlawfully inflicting terror upon civilians; attacks on civilians

Conviction: Guilty

Sentence: 20 years

Appeal Sentence: Life imprisonment

**Gotovina, Ante**

Charges: Murder; cruel treatment; plunder of public/private property; destruction of cities, towns, or villages; deportation; inhumane acts; murder; persecutions on political, racial, and religious grounds

Conviction: Guilty

Sentence: 24 years

Status: Acquitted upon appeal

**Govedarica, Zdravko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Gruban, -.**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Gruban, Momćilo**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Transferred

**Gvero, Milan**

Charges: Murder; persecutions; inhumane acts (forcible transfer); deportation

Conviction: Guilty

Sentence: 5 years

**Hadžić, Goran**

Charges: Persecutions; extermination; murder; imprisonment; torture; inhumane acts (forcible deportation); deportation; cruel treatment; destructions of villages; destruction or willful damage to religious/educational institutions; plunder of public/private property

Status: Proceedings terminated upon his death

**Hadžihasanović, Enver**

Charges: Murder; cruel treatment; destruction of cities, towns, or villages; plunder of public/private property; destruction or willful damage to religious institutions

Charge: Guilty

Sentence: 5 years

Appeal Sentence: 3.5 years

**Halilović, Sefer**

Charges: Murder

Conviction: Acquitted

**Haradinaj, Ramush**

Charges: Persecutions (harassment, deportation/forcible transfer, rape); torture; murder; cruel treatment

Conviction: Acquitted

**Janjić, Janko**

Charges: Torture; rape

Status: Charges dropped upon his death

**Janjić, Nikica**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Janković, Gojko**

Charges: Torture; rape

Status: Transferred

**Jelisić, Goran**

Charges: Killing members of a group; murder; cruel treatment; plunder of public/private property; inhumane acts

Conviction: Guilty

Sentence: 40 years

**Jokić, Dragan**

Charges: Extermination; murder; persecutions on political, racial, or religious grounds

Conviction: Guilty

Sentence: 9 years

**Jokić, Miodrag**

Charges: Murder; cruel treatment; attacks on civilians; destruction or willful damage to religious/educational/charity/arts and sciences institutions; destruction or willful damage to historic monuments and works of art and science

Conviction: Guilty

Sentence: 7 years

**Josipović, Drago**

Charges: Persecutions on political, racial, and religious grounds; murder; cruel treatment

Conviction: Guilty

Sentence: 15 years

Appeal Sentence: 12 years

**Karadžić, Radovan**

Charges: Persecutions; extermination; murder; deportation; inhumane acts; terror; unlawful attacks on civilians; taking of hostages

Conviction: Guilty

Sentence: 40 years

**Katava, Marinko**

Charges: Charges unclear.

Status: Charges withdrawn.

**Knežević, Dušan**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Transferred

**Kolundžija, Dragan**

Charges: Persecutions on political, racial, or religious grounds; inhumane acts; murder; outrages upon personal dignity

Conviction: Guilty

Sentence: 3 years

**Kondić, Dragan**

Charges: Unknown

Status: Transferred

**Kordić, Dario**

Charges: Willful killing; willfully causing serious bodily/health harm; inhumane treatment; unlawful confinement of civilian; taking civilians as hostage; extensive destruction of property; unlawful attacks on civilians; murder; violence to life and person; cruel treatment; plunder of public/private property; destruction or willful damage to religious/educational institutions; persecutions on political, racial, or religious grounds; inhumane acts; imprisonment

Conviction: Guilty

Sentence: 25 years

**Kos, Milojica**

Charges: Outrages upon personal dignity; murder; torture; cruel treatment; persecutions on political, racial, or religious grounds; inhumane acts

Conviction: Guilty

Sentence: 6 years

**Kostić, Predrag**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Kovač, Radomir**

Charges: Outrages upon personal dignity; rape; enslavement

Conviction: Guilty

Sentence: 20 years

**Kovačević, Milan**

Charges: Genocide; complicity in genocide; extermination; willful killing; murder; persecution; torture; cruel treatment; willfully causing great suffering; deportation; unlawful transfers; destruction or devastation of villages; extensive damage/appropriation of property

Status: Proceedings terminated upon his death

**Kovačević, Vladimir**

Charges: Murder; cruel treatment; attacks on civilians; devastation; unlawful attacks on civilians; destruction or willful damage done to religious/educational/charity/arts and sciences institutions; destruction or willful damage done to historic monuments and works of art and science

Status: Transferred

**Krajišnik, Momčilo**

Charges: Murder; genocide; complicity to commit genocide; persecutions on political, racial, and religious grounds; extermination; deportation; inhumane acts

Conviction: Guilty

Sentence: 27 years

Appeal Sentence: 20 year

**Krnojelac, Milorad**

Charges: Cruel treatment; slavery; persecutions on political, racial, and religious grounds; inhumane acts; imprisonment; torture; murder

Conviction: Guilty

Sentence: 7.5 years

Appeal Sentence: 15 years

**Krstić, Radislav**

Charges: Genocide; complicity to commit genocide; extermination; murder; persecutions; deportation; inhumane acts

Conviction: Guilty

Sentence: 35 years

**Kubura, Amir**

Charges: Murder; cruel treatment; destruction of cities, towns, or villages; plunder of public/private property

Conviction: Guilty

Sentence: 2.5 years

Appeal Sentence: 2 years

**Kunarac, Dragoljub**

Charges: Outrages upon personal dignity; torture; rape; enslavement

Conviction: Guilty

Sentence: 28 years

**Kupreškić, Mirjan**

Charges: Persecutions on political, racial, and religious grounds; murder; crimes against humanity; cruel treatment

Conviction: Guilty

Sentence: 8 years

Status: Acquitted upon appeal

**Kupreškić, Vlatko**

Charges: Persecutions on political, racial, and religious grounds; murder; cruel treatment

Conviction: Guilty

Sentence: 6 years

Status: Acquitted upon appeal

**Kupreškić, Zoran**

Charges: Persecutions on political, racial, and religious grounds; murder; crimes against humanity; inhumane acts; cruel treatment

Conviction: Guilty

Sentence: 10 years

Status: Acquitted upon appeal

**Kvočka, Miroslav**

Charges: Outrages upon personal dignity; murder; torture; cruel treatment; persecutions on political, racial, or religious grounds; inhumane acts

Conviction: Guilty

Sentence: 7 years

**Lajić, Goran**

Charges: Unknown

Status: Transferred

**Landžo, Esad**

Charges: Willful killing; inhumane treatment; cruel treatment; causing great suffering or serious injury; murder; torture

Conviction: Guilty

Sentence: 15 years

**Lazarević, Vladimir**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Guilty

Sentence: 14 years

**Limaj, Fatmir**

Charges: Imprisonment, torture, inhumane acts; murder; cruel treatment

Conviction: Acquitted

**Ljubičić, Paško**

Charges: Persecution on political, racial, and religious grounds; inhumane acts; unlawful attacks on civilians; murder; violence to life and person; devastation; destruction or willful damage to religious/educational institutions; plunder of public/private property; cruel treatment

Status: Transferred

**Lukić, Milan**

Charges: Persecutions on political, racial, and religious grounds; murder; inhumane acts; extermination; cruel treatment

Conviction: Guilty

Sentence: Life imprisonment

**Lukić, Sredoje**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; inhumane acts; cruel treatment

Conviction: Guilty

Sentence: 30 years

Appeal Sentence: 27 years

**Lukić, Sreten**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Guilty

Sentence: 20 years

**Marinić, Zoran**

Charges: Willful killing; murder; willfully causing serious injury; cruel treatment

Status: Charges withdrawn

**Markač, Mladen**

Charges: Murder; cruel treatment; plunder of public/private property; destruction of cities, towns, or villages; deportation; inhumane acts; murder; persecutions on political, racial, and religious grounds

Conviction: Guilty

Sentence: 18 years

Status: Acquitted upon appeal

**Martić, Milan**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; imprisonment; torture; inhumane acts; deportation; cruel treatment; destruction of villages; destructions or willful damage done to religious/educational institutions; plunder of public/private property; attacks on civilians

Conviction: Guilty

Sentence: 35 years

**Martinović, Vinko**

Charges: Inhumane treatment; wilfully causing great suffering or serious bodily/health harm; willful killing; unlawful transfer of a civilian; unlawful labor; plunder of public/private property; persecutions on political, racial, and religious grounds; inhumane acts; murder

Conviction: Guilty

Sentence: 18 years

**Mejakić, Željko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Transferred

**Miletić, Radivoje**

Charges: Murder; persecutions; inhumane acts (forcible transfer); deportation

Conviction: Guilty

Sentence: 18 years

Appeal Sentence: 19 years

**Miljković, Slobodan**

Charges: Persecutions on political, racial, and religious grounds; deportation; unlawful deportation or transfer

Status: Charges withdrawn upon his death

**Milošević, Dragomir**

Charges: Murder; inhumane acts; terror; attacks on civilians

Conviction: Guilty

Sentence: 33 years

Appeal Sentence: 29 years

**Milošević, Slobodan**

Charges: Genocide; complicity in genocide; deportation; murder; persecutions on political, racial, and religious grounds; inhumane acts (forcible transfers); extermination; imprisonment; torture; willful killing; unlawful confinement; willfully causing great suffering; unlawful deportation or transfer; extensive destruction/appropriation of property; cruel treatment; plunder of public/private property; attacks on civilians; destruction or willful damage to historic monuments; destruction or willful damage to educational/religious institutions

Status: Proceedings terminated upon his death

**Milutinović, Milan**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Acquitted

**Mladić, Ratko**

Charges: Persecutions; extermination; murder; deportation; inhumane acts (forcible transfer); terror; unlawful attacks on civilians; taking of hostages

Status: Trial ongoing

**Mrđa, Darko**

Charges: Murder; inhumane acts

Conviction: Guilty

Sentence: 17 years

**Mrkšić, Mile**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; torture; cruel treatment; inhumane acts

Conviction: Guilty

Sentence: 20 years

**Mucić, Zdravko**

Charges: Willful killing; inhumane treatment; unlawful confinement of a civilian; cruel treatment; causing great suffering or serious injury; plunder of public/private property; murder; torture

Conviction: Guilty

Sentence: 9 years

**Murtezi, Agim**

Charges: Imprisonment, torture, inhumane acts; murder; cruel treatment

Status: Charges withdrawn

**Musliu, Isak**

Charges: Imprisonment, torture, inhumane acts; murder; cruel treatment

Conviction: Acquitted

**Naletilić, Mladen**

Charges: Torture; wilfully causing suffering or serious bodily/health injury; unlawful transfer of a civilian; unlawful labor; destruction; plunder of public/private property; persecutions on political, racial, and religious grounds

Conviction: Guilty

Sentence: 20 years

**Nikolić, Dragan**

Charges: Persecutions on political, racial, and religious grounds; murder; sexual violence; torture

Conviction: Guilty

Sentence: 23 years

Appeal Sentence: 20 years

**Nikolić, Drago**

Charges: Extermination; murder; persecutions; inhumane acts (forcible transfer); deportation; murder

Conviction: Guilty

Sentence: 35 years

**Nikolić, Momir**

Charges: Persecutions on political, racial, and religious grounds; genocide, complicity to commit genocide; murder; inhumane acts (forcible transfer); extermination

Conviction: Guilty

Sentence: 27 years

Appeal Sentence: 20 years

**Norac, Mirko**

Charges: Persecutions on political, racial, and religious grounds; murder; plunder of public/private property; destruction of cities, towns, or villages.

Status: Transferred

**Obrenović, Dragan**

Charges: Complicity in genocide; murder; extermination; persecutions; inhumane acts

Conviction: Guilty

Sentence: 17 years

**Ojdanić, Dragoljub**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Guilty

Sentence: 15 years

**Orić, Naser**

Charges: Murder; cruel treatment; destruction of cities, towns, or villages

Conviction: Acquitted

**Pandurević, Vinko**

Charges: Extermination; murder; persecutions; inhumane acts (forcible transfer);  
deportation; murder

Conviction: Guilty

Sentence: 13 years

**Papić, Dragan**

Charges: Persecutions on political, racial, and religious grounds; murder; cruel treatment

Conviction: Acquitted

**Paspalj, Nedjeljko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against  
humanity, murder; cruel treatment

Status: Charges withdrawn.

**Pavković, Nebojša**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Guilty

Sentence: 22 years

**Pavlić, Milan**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against  
humanity, murder; cruel treatment

Status: Charges withdrawn.

**Perišić, Momčilo**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder;  
attacks on civilians

Conviction: Acquitted

**Petković, Milivoj**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 20 years

**Plavšić, Biljana**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; deportation; inhumane acts; genocide; complicity to commit genocide

Conviction: Guilty

Sentence: 11 years

**Popović, Milutin**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Popović, Vujadin**

Charges: Extermination; murder; persecutions; inhumane acts (forcible transfer); deportation; murder

Conviction: Guilty

Sentence: Life Imprisonment

**Praljak, Slobodan**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 20 years

**Prcać, Dragoljub**

Charges: Outrages upon personal dignity; murder; torture; cruel treatment; persecutions on political, racial, or religious grounds; inhumane acts

Conviction: Guilty

Sentence: 5 years

**Predojević, Draženko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Prlić, Jadranko**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 25 years

**Pušić, Berislav**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 10 years

**Radić, Miroslav**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; torture; cruel treatment; inhumane acts

Conviction: Acquitted

**Radić, Mlado**

Charges: Outrages upon personal dignity; murder; torture; cruel treatment; persecutions on political, racial, or religious grounds; inhumane acts; rape

Conviction: Guilty

Sentence: 20 years

**Rajić, Ivica**

Charges: Willful killings; inhumane treatment (sexual assault); unlawful confinement of a civilian; appropriation of property; extensive destruction; murder; outrages upon person dignity (humiliating and degrading treatment); cruel treatment; destruction of a city

Conviction: Guilty

Sentence: 12 years

**Rašević, Mitar**

Charges: Persecutions on political, racial, and religious grounds; torture; inhumane acts; murder imprisonment; enslavement; cruel treatment

Status: Transferred

**Ražnatović, Željko**

Charges: Willfully causing great suffering; cruel treatment; murder; willful killing; rape; inhumane acts

Status: Proceedings terminated upon his death

**Šainović, Nikola**

Charges: Deportation; other inhumane acts (forcible transfer); murder; persecutions

Conviction: Guilty

Sentence: 18 years

**Šantić, Ivan**

Charges: Willful killing; willfully causing serious bodily/health harm; inhumane treatment; unlawful confinement of civilian; taking civilians as hostage; extensive destruction of property; unlawful attacks on civilians; murder; violence to life and person; cruel treatment; plunder of public/private property; destruction or willful damage to religious/educational institutions; persecutions on political, racial, or religious grounds; inhumane acts; imprisonment

Status: Charges withdrawn

**Šantić, Vladimir**

Charges: Persecutions on political, racial, and religious grounds; murder; cruel treatment

Conviction: Guilty

Sentence: 25 years

Appeal Sentence: 18 years

**Šaponja, Dragomir**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Savić, Željko**

Charges: Persecutions on political, racial or religious grounds; murder; crimes against humanity, murder; cruel treatment

Status: Charges withdrawn.

**Šešelj, Vojislav**

Charges: Persecutions on political, racial, or religious grounds; deportation; inhumane acts (forcible transfer); murder; torture; cruel treatment; plunder of public/private property; destruction; destruction or willful damage to religious/educational institutions

Conviction: Acquitted

**Sikirica, Duško**

Charges: Genocide; complicity to commit genocide; persecutions on political, racial, or religious grounds; murder; inhumane acts; outrages upon person dignity; cruel treatment

Conviction: Guilty

Sentence: 15 years

**Simatović, Franko**

Charges: Persecutions; murder; deportation; inhumane acts

Conviction: Acquitted

Status: Appeal pending

**Simić, Blagoje**

Charges: Persecutions on political, racial, and religious grounds; unlawful deportation or transfer

Conviction: Guilty

Sentence: 17 years

Appeal Sentence: 15

**Simić, Milan**

Charges: Persecutions on political, racial, and religious grounds; torture; inhumane acts; cruel treatment

Conviction: Guilty

Sentence: 5 years

**Skopljak, Pero**

Charges: Willful killing; willfully causing serious bodily/health harm; inhumane treatment; unlawful confinement of civilian; taking civilians as hostage; extensive destruction of property; unlawful attacks on civilians; murder; violence to life and person; cruel treatment; plunder of public/private property; destruction or willful damage to religious/educational institutions; persecutions on political, racial, or religious grounds; inhumane acts; imprisonment

Status: Charges withdrawn

**Šljivančanin, Veselin**

Charges: Persecutions on political, racial, and religious grounds; extermination; murder; torture; cruel treatment; inhumane acts

Conviction: Guilty

Sentence: 17 years

Appeal Sentence: 10 years

**Stakić, Milomir**

Charges: Genocide; complicity in genocide; murder; extermination; persecutions; deportations; inhumane acts

Conviction: Guilty

Sentence: 40 years

**Stanišić, Jovica**

Charges: Persecutions; murder; deportation; inhumane acts

Conviction: Acquitted

Status: Appeal pending

**Stanišić, Mićo**

Charges: Persecutions; extermination; murder; torture; inhumane acts; deportation; cruel treatment

Conviction: Guilty

Sentence: 22 years

**Stanković, Radovan**

Charges: Torture; rape

Status: Transferred

**Stojić, Bruno**

Charges: Willful killing; inhumane treatment (sexual assault); unlawful deportation; transfer and confinement of a civilian; extensive destruction and appropriation of property; cruel treatment; unlawful labor; destruction of cities, towns, or villages; destruction or willful damage to religious/educational institutions; plunder of public/private property; unlawful attack on citizens; persecutions on political, racial, or religious grounds; murder; rape; imprisonment

Conviction: Guilty

Sentence: 20 years

**Stojiljković, Vlajko**

Charges: Genocide; complicity in genocide; deportation; murder; persecutions on political, racial, and religious grounds; inhumane acts (forcible transfers); extermination; imprisonment; torture; willful killing; unlawful confinement; willfully causing great suffering; unlawful deportation or transfer; extensive destruction/appropriation of property; cruel treatment; plunder of public/private property; attacks on civilians; destruction or willful damage to historic monuments; destruction or willful damage to educational/religious institutions

Status: Proceedings terminated upon his death

**Strugar, Pavle**

Charges: Murder; cruel treatment; attacks on civilians; devastation; destruction or willful damage to religious/educational/charity/arts and science institutions' destruction or willful damage to historic monuments and works of art and science

Conviction: Guilty

Sentence: 8 years

Appeal Sentence: 7.5 years

**Tadić, Duško**

Charges: Persecutions on political, racial, or religious grounds; rape; murder; inhumane acts; willful killing; torture; willfully causing serious bodily/heath injury; cruel treatment

Conviction: Guilty

Sentence: 20 years

**Tadić, Miroslav**

Charges: Persecutions on political, racial, and religious grounds; deportation; unlawful deportation or transfer

Conviction: Guilty

Sentence: 8 years

**Talić, Momir**

Charges: Genocide; complicity in genocide; persecutions; deportation; extermination; willful killing; torture; destruction of cities, towns, or villages; destruction or willful damage to religious institutions; unlawful and extensive destruction/appropriate of property

Status: Proceedings terminated upon his death

**Tarčulovski, Johan**

Charges: Murder; destruction of cities, towns, or villages; cruel treatment

Conviction: Guilty

Sentence: 12 years

**Timarac, Nedjeljko**

Charges: Unknown

Status: Transferred

**Todorović, Stevan**

Charges: Persecutions on political, racial, and religious grounds; deportation; murder; inhumane acts; rape; torture; unlawful deportation or transfer; willful killing; willfully causing great suffering; inhumane treatment; cruel treatment; humiliating and degrading treatment

Conviction: Guilty

Sentence: 10 years

**Todović, Savo**

Charges: Persecutions on political, racial, and religious grounds; torture; inhumane acts; murder imprisonment; enslavement; cruel treatment

Status: Transferred

**Tolimir, Zdravko**

Charges: Extermination; murder; persecutions' inhumane acts; deportation

Conviction: Guilty

Sentence: Life imprisonment

**Trbić, Milorad**

Charges: Genocide; conspiracy to commit genocide; extermination; murder; persecutions' forcible transfer

Status: Transferred

**Vasiljević, Mitar**

Charges: Murder; extermination; persecutions on political, racial, or religious grounds; inhumane acts; violence to life and person

Conviction: Guilty

Sentence: 20 years

Appeal Sentence: 15 years

**Vuković, Zoran**

Charges: Torture; rape

Conviction: Guilty

Sentence: 12 years

**Zarić, Simo**

Charges: Persecutions on political, racial, and religious grounds; deportation; unlawful deportation or transfer

Conviction: Guilty

Sentence: 6 years

**Zec, Milan**

Charges: Murder; cruel treatment; attacks on civilians; devastation; destruction or willful damage to religious/educational/charity/arts and science institutions' destruction or willful damage to historic monuments and works of art and science

Status: Charges withdrawn

**Zelenović, Dragan**

Charges: Torture; rape

Conviction: Guilty

Sentence: 15 years

**Žigić, Zoran**

Charges: Outrages upon personal dignity; murder; torture; cruel treatment; persecutions on political, racial, or religious grounds; inhumane acts

Conviction: Guilty

Sentence: 25 years

**Župljanin, Stojan**

Charges: Persecutions; extermination; murder; torture; inhumane acts; deportation; cruel treatment

Conviction: Guilty

Sentence: 22 years

## APPENDIX F

### ICTR Indictes

#### **Akayesu, Jean Paul**

Charges: Genocide; complicity in genocide; crimes against humanity

Conviction: Guilty

Sentence: Life Imprisonment

#### **Bagambiki, Emmanuel**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; violations of article 3 to the Geneva Convention

Conviction: Acquitted

#### **Bagaragaza, Michel**

Charges: Complicity in genocide

Conviction: Guilty

Sentence: 8 years

#### **Bagilishena, Ignace**

Charges: Genocide; complicity in genocide; crimes against humanity; inhumane acts; causing violence to life and person; outrages upon personal dignity of women

Conviction: Acquitted

#### **Bagosora, Théoneste**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

Appeal Sentence: 35 years

#### **Barayagwiza, Jean Bosco**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: Life imprisonment

Appeal Sentence: 32 years

**Bicamumpaka, Jérôme**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Acquitted

**Bikindi, Simon**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; murder; persecution

Conviction: Guilty

Sentence: 15 years

**Bisengimana, Paul**

Charges: Genocide; complicity to commit genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; murder; extermination; torture; rape; inhumane acts; Geneva Convention violations

Conviction: Guilty

Sentence: 15 years

**Bizimana, Augustin**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Status: Trial pending apprehension

**Bizimungu, Augustin**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide, crimes against humanity, violations of the Geneva Conventions

Conviction: Guilty

Sentence: 30 years

**Bizimungu, Casimir**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Acquitted

**Bucyibaruta, Laurent**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; extermination; murder; rape

Status: Transferred

**Gacumbitsi, Sylvestre**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; extermination; murder; rape

Conviction: Guilty

Sentence: Life Imprisonment

**Gatete, Jean Baptiste**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; extermination; murder; rape

Conviction: Guilty

Sentence: 40 years

**Hategekimana, Ildephonse**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: Life Imprisonment

**Imanishimwe, Samuel**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: 12 years

**Kabiligi, Gratien**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Acquitted

**Kabuga, Félicien**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; extermination

Status: Trial appending apprehension

**Kajelijeli, Juvénal**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; murder; extermination; rape; persecution on racial, political, and religious grounds; inhumane acts; violations to the Geneva Conventions

Conviction: Guilty

Sentence: 45 years

**Kalimanzira, Callixte**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide

Conviction: Guilty

Sentence: 25 years

**Kambanda, Jean**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: Life Imprisonment

**Kamuhanda, Jean de Dieu**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

**Kanyabashi, Joseph**

Charges: Complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of the Geneva Conventions; conspiracy to commit genocide

Conviction: Guilty

Sentence: 35 years

**Kanyarukiga, Gaspard**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; extermination

Conviction: Guilty

Sentence: 30 years

**Karemura, Édouard**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; rape; extermination; killing and causing violence to health and physical/mental well-being

Conviction: Guilty

Sentence: Life Imprisonment

**Karera, François**

Charges: Genocide; complicity in genocide; extermination; murder

Conviction: Guilty

Sentence: Life Imprisonment

**Kayishema, Clément**

Charges: Conspiracy to commit genocide; genocide; crimes against humanity; violation of the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

**Kayishena, Fulgence**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; extermination

Conviction: Trial pending upon apprehension

**Mpambara, Jean**

Charges: Genocide; complicity in genocide; extermination

Conviction: Acquitted

**Mpiranya, Protais**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; crimes against humanity; violations to the Geneva Conventions

Status: Trial pending his apprehension

**Mugenzi, Justin**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: 30 years

Status: Acquitted upon appeal

**Mugiraneza, Prosper**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: 30 years

Status: Acquitted upon appeal

**Muhimana, Mikaeli**

Charges: Genocide; complicity in genocide; murder; rape

Conviction: Guilty

Sentence: Life imprisonment

**Muyagishari, Bernard**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; murder; rape

Status: Transferred

**Munyakazi, Yussuf**

Charges: Genocide; complicity in genocide; extermination

Conviction: Guilty

Sentence: 25 years

**Munyarugarama, Pheneas**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; murder; rape; persecutions; extermination

Status: Trial pending his apprehension

**Munyeshyaka, Wenceslas**

Charges: Genocide; murder; rape; extermination

Status: Transferred

**Musabyimana, Samuel**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; murder; rape; extermination

Status: Proceedings terminated upon his death

**Musema, Alfred**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: Life imprisonment

**Muvunyi, Tharcisse**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: 15 years

**Nahimana, Fredinand**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: Life imprisonment

Appeal Sentence: 30 years

**Nchamihigo, Siméon**

Charges: Genocide; murder; extermination; other inhumane acts

Conviction: Guilty

Sentence: 40 years

**Ndahimana, Grégoire**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide; extermination; murder; rape; persecution

Conviction: Guilty

Sentence: 15 years

Appeal Sentence: 25 years

**Ndyambaje, Elie**

Charges: Complicity in genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: Life imprisonment

**Ndimbati, Aloys**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; extermination

Status: Transferred

**Ndindabahizi, Emmanuel**

Charges: Genocide; extermination; murder

Conviction: Guilty

Sentence: Life imprisonment

**Ndindiliyimana, Augustin**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide, crimes against humanity, violations of the Geneva Conventions

Conviction: Guilty

Sentence: Time served

Status: Acquitted upon appeal

**Ngeze, Hassan**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: Life imprisonment

Appeal Sentence: 35 years

**Ngirumpaste, Matthieu**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; rape; extermination; killing and causing violence to health and physical/mental well-being

Conviction: Guilty

Sentence: Life Imprisonment

**Ngirabatware, Augustin**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; extermination; rape

Conviction: Guilty

Sentence: 35 years

Appeal Sentence: 30 years

**Niyitegeka, Eliézer**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

**Nizeyimana, Ildéphonse**

Charges: Genocide; extermination; murder; rape

Conviction: Guilty

Sentence: Life Imprisonment

Appeal Sentence: 35 years

**Nsabimana, Sylvain**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violation of the Geneva Conventions

Conviction: Guilty

Sentence: 25 years

**Nsengimana, Hormisdas**

Charges: Conspiracy to commit genocide; genocide; extermination; murder

Conviction: Acquitted

**Nsengiyumva, Anatole**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

Appeal Sentence: 15 years

**Nshogoza, Léonidas**

Charges: Contempt of the tribunal; attempt to commit acts punishable as contempt of the tribunal

Conviction: Guilty

Sentence: 10 months

**Ntabakuze, Aloys**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of article 3 to the Geneva Convention

Conviction: Guilty

Sentence: Life Imprisonment

Appeal Sentence: 35 years

**Ntaganzwa, Ladislas**

Charges: Genocide; direct and public incitement to commit genocide; extermination; murder; rape

Status: Transferred

**Ntagerura, André**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; violations of article 3 to the Geneva Convention

Conviction: Acquitted

**Ntahobali, Arsène Shalom**

Charges: Complicity in genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; crimes against humanity; violations to the Geneva Conventions

Conviction: Guilty

Sentence: Life imprisonment

**Ntakirutimana, Elizaphan**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: 10 years

**Ntakirutimana, Gérard**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; crimes against humanity

Conviction: Guilty

Sentence: 25 years

**Ntawukulilyayo, Dominique**

Charges: Genocide; complicity in genocide; direct and public incitement to commit genocide

Conviction: Guilty

Sentence: 20 years

**Nteziryayo, Alphonse**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: 30 years

**Ntuyahaga, Bernard**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; violations of the Geneva Conventions

Status: Indictment withdrawn

**Nyiramasuhuko, Pauline**

Charges: Conspiracy to commit genocide; complicity in genocide; direct and public incitement to commit genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: Life imprisonment

**Nzabirinda, Joseph**

Charges: Crimes against humanity

Conviction: Guilty

Sentence: 7 years

**Nzabonimana, Callixte**

Charges: Genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; extermination; murder

Conviction: Guilty

Sentence: Life imprisonment

**Nzirorera, Joseph**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; direct and public incitement to commit genocide; rape; extermination; killing and causing violence to health and physical/mental well-being

Status: Trial proceedings terminated upon his death

**Nzuwonemeye, François-Xavier**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: 20 years

Status: Acquitted upon appeal

**Renzaho, Tharcisse**

Charges: Genocide; complicity in genocide; murder; rape

Conviction: Guilty

Sentence: Life imprisonment

**Rugambarara, Juvénal**

Charges: Extermination

Conviction: Guilty

Sentence: 11 years

**Ruggiu, Georges**

Charges: Direct and public incitement to commit genocide; persecution

Conviction: Guilty

Sentence: 12 years

**Rukundo, Emmanuel**

Charges: Genocide; crimes against humanity

Conviction: Guilty

Sentence: 25 years

Appeal Sentence: 23 years

**Rusatira, Léonidas**

Charges: Genocide; complicity in genocide; crimes against humanity; violations of the Geneva Conventions

Status: Indictments withdrawn

**Rutaganda, Georges**

Charges: Genocide; crimes against humanity; violation of the Geneva Conventions

Conviction: Guilty

Sentence: Life imprisonment

**Rutaganira, Vincent**

Charges: Extermination

Conviction: Guilty

Sentence: 6 years

**Ruzindana, Obed**

Charges: Conspiracy to commit genocide; genocide; crimes against humanity; violation of the Geneva Convention

Conviction: Guilty

Sentence: 25 years

**Rwamakuba, André**

Charges: Genocide; complicity in genocide; extermination; murder

Conviction: Acquitted

**Ryandikayo**

Charges: Conspiracy to commit genocide; genocide; murder; extermination; inhumane acts; violation of the Geneva Conventions

Status: Transferred and trial pending their apprehension

**Sagahutu, Innocent**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide, crimes against humanity, violations of the Geneva Conventions

Conviction: Guilty

Sentence: 20 years

Appeal Sentence: 15 years

**Semaza, Laurent**

Charges: Genocide; direct and public incitement to commit genocide; complicity in genocide; crimes against humanity; violations of the Geneva Conventions

Conviction: Guilty

Sentence: 35 years

**Seromba, Athanase**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; extermination

Conviction: Guilty

Sentence: Life imprisonment

**Serugendo, Joseph**

Charges: Direct and public incitement to commit genocide; persecution

Conviction: Guilty

Sentence: 6 years

**Serushago, Omar**

Charges: Genocide; murder; extermination' torture

Conviction: Guilty

Sentence: 15 years

**Setako, Ephrem**

Charges: Genocide; complicity in genocide; murder; extermination; violation of the Geneva Conventions; pillage

Conviction: Guilty

Sentence: 25 years

**Sikubwabo, Charles**

Charges: Genocide; complicity in genocide; conspiracy to commit genocide; crimes against humanity

Status: Trial pending his apprehension

**Simba, Aloyrs**

Charges: Genocide; complicity in genocide; extermination; murder

Conviction: Guilty

Sentence: 25 years

**Uwilingiyimana, Juvénal**

Charges: Conspiracy to commit genocide; direct and public incitement to commit genocide; genocide; complicity in genocide; murder

Status: Charges dropped upon his death

**Uwinkindi, Jean**

Charges: Genocide; conspiracy to commit genocide; extermination

Status: Transferred

**Zigiranyirazo, Protais**

Charges: Conspiracy to commit genocide; genocide; complicity in genocide; extermination; murder

Conviction: Acquitted

**“Gaa”**

Charges: Giving false testimony under solemn declaration; contempt of the tribunal

Conviction: Guilty

Sentence: 9 months

## APPENDIX G

University of Alabama Institutional Review Board Letter.



September 30, 2016

Alexis Poston  
Department of Criminal Justice  
College of Arts & Sciences  
The University of Alabama  
Box 870320

Re: IRB Requirement for Thesis Research”

Ms. Poston:

This letter comes as a response to your communication received September 28, 2016. According to the Office for Human Research Protection (OHRP) under policy 45 CFR 46.101 the proposed work is not human subjects research.

Because the work is not considered human subjects research, it does not require IRB approval and is therefore excluded from review by the IRB.

If you have any questions or if I can be of further assistance please do not hesitate to contact me.

Sincerely,

Carpantato T. Myles, MSM, CIM, CIP  
Director & Research Compliance Officer  
Office of Research Compliance