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THE ARC OF JUSTICE: FROM NUREMBERG TO THE FALL OF THE BERLIN WALL[†]

*Mark S. Ellis**

I want to thank Michael Scharf for the invitation. As we know, he is a giant in the field of international law, and I so value his friendship.

When contemplating what to say today, I reflected on the panel topics that we are discussing: pursuit of peace and human rights, the War on Terror, Nuremberg, war crimes prosecutions. In doing so, my mind kept returning to an event that took place thirty-two years ago in November 1989: the fall of the Berlin Wall.

There is, for me, a nexus between that event and the present state of international law. It also brought back poignant memories of events that changed the course of my professional life.

In November 1989, I was in East Berlin. It was the week that the Berlin Wall fell. Just one night before, Günter Schabowski, the head of East Berlin's communist party, had unwittingly announced that the border was open.¹

Below, in the streets of East Berlin, an emotional scene unfolded as people swelled toward the border, to cross over into the West.

The next day I decided to make my own way through the *OstBahnhof* train station into West Berlin.

It was early morning and the sun rose over the Wall, an intimidating twelve-foot-high border fortification that stretched twenty-seven miles between East and West Berlin.

If Nuremberg represented the pinnacle of accountability and justice, then the Berlin Wall was by far the most notorious post-war emblem of injustice.

I remember pressing my hand against the Wall and marvelling that this brick-and-mortar symbol of terror and intimidation was disintegrating—both figuratively and literally. Cracks were already appearing.

† This article is adapted from the author's keynote speech presented during lunch at the annual Frederick K. Cox International Law Center Symposium. The 2021 Symposium titled *The Academy and International Law: A Catalyst for Change and Innovation* took place on September 24 & 25, 2021 at Case Western Reserve University School of Law in Cleveland, Ohio.

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1. *One Little Word*, THE ECONOMIST (Nov. 7, 2015), <https://www.economist.com/obituary/2015/11/07/one-little-word> [<https://perma.cc/Z89E-GSS3>].

I somehow got the attention of a young East German guard patrolling the so-called ‘no man’s land’ between East and West. I slipped him a \$10 bill through a crack in the Wall. In 1989, that would have equalled a hefty paycheck.

I motioned for him to throw his military cap over to me, which he did. Here it is, still with his name inked inside.

That historic moment, and the face of that young soldier, is etched in my mind. He was about my age, and I often wonder how his life turned out. So much was about to change. A door to freedom had opened, and we were on the cusp of a transformation that would soon engulf all of Eastern Europe.

It signified the end of the Cold War and the beginning of a “new kind of peace.”² In the words of Paul Krugman, it was “one of history’s miracles.”³

The fall of the Berlin Wall also signalled the resurrection of the Nuremberg Principles and their focus on accountability. The Principles make clear that “[a]ny person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.”⁴

Before the fall of the Wall, East German citizens wishing to leave faced the so-called *Schießbefehl*—“the shooting order.” This encompassed various formal or informal orders and regulations mandating that soldiers at the border shoot those daring to flee.⁵

Many of us may not be aware, but a year after the dissolution of East Germany the first of the so-called *Mauerschützenprozesse*—“the

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2. Ivan Krastev & Mark Leonard, *Europe’s Shattered Dream of Order—How Putin Is Disrupting the Atlantic Alliance*, FOREIGN AFFS., May–June 2015, at 48.
 3. Paul Krugman, *What’s the Matter With Europe?*, N.Y. TIMES (May 21, 2018), <https://www.nytimes.com/2018/05/21/opinion/europe-euro-demo-cracy-wrong.html> [<https://perma.cc/9FDV-ABX6>].
 4. Int’l L. Comm’n, Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, princ. I, Rep. of the Int’l Law Comm’n on the Work of Its Second Session, U.N. Doc. A/1316 (1950), *reprinted in* [1950] 2 Y.B. Int’l Law Comm’n 191, U.N. Doc. A/CN. 4/SER.A/1950/Add.1. The Principles also stress that “[t]he fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.” *Id.* at princ. III.
 5. The number of deaths remains unclear. At least 140 Mauertote—“deaths at the Berlin wall”—are confirmed, but some put the number up to several hundreds. *Victims of the Wall*, BERLIN, <https://www.berlin.de/mauer/en/history/victims-of-the-wall/> [<https://perma.cc/E93E-GPQW>].

trials of the ‘Wall-shooters’—started.⁶ This series of 112 trials brought 246 defendants before various German courts and lasted until 2004.⁷

Among the accused were not only border guards but also members of the Politburo, as well as the military and political leadership, including Erich Honecker, the head of state, and Erich Mielke, the head of the Ministry for State Security and the infamous Stasi.⁸

Berlin and Nuremberg—two German cities that mark a titanic ideological shift in world affairs.

Having emerged from a history of repression twice (1945 and 1989⁹), Germany would craft new legal and constitutional arrangements where the international legal order was reimagined to include accountability

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6. Marc Fisher, *On Trial for Death at Berlin Wall*, WASH. POST (Sept. 10, 1991), <https://www.washingtonpost.com/archive/politics/1991/09/10/on-trial-for-death-at-berlin-wall/970c5cad-09a7-4775-881b-a0f7f01b5f57/> [<https://perma.cc/8SAB-23PA>].
 7. Eike Frenzel, *Mauerschützenprozesse—Die Grenze des Rechtsstaats* [Wall Guards Trials—The Limit of the Rule of Law], DER SPIEGEL (Nov. 7, 2014), <https://www.spiegel.de/geschichte/mauerschuetzen-prozesse-brachten-den-rechtsstaat-an-seine-grenzen-a-1000949.html> [<https://perma.cc/92WJ-2K9A>].
 8. William Tuohy, *Honecker Jailed, Will Face Treason Trial: East Germany: Three Associates of the Ousted Communist Chief Are Also Charged*, L.A. TIMES (Jan. 30, 1990, 12:00 AM), <https://www.latimes.com/archives/la-xpm-1990-01-30-mn-1149-story.html> [<https://perma.cc/4LNE-M6Z6>]. The German Supreme Court allowed the trials based on the premise that killing fleeing people constituted a criminal offence—even in Eastern Germany. While it acknowledged the existence of regulations mandating the use of force, it found that those needed to be interpreted in a human-rights-friendly way. If such an interpretation would not have been possible, then the killing of fleeing people would have been even less justified. In the German judicial literature, the decision was heavily criticized based on concerns around retroactivity. However, the German Constitutional Court, in 1995, did not find a violation of the prohibition of retroactive application of law, and neither did the European Court of Human Rights in 2001—the year the International Criminal Court came into existence. BVerfG, 2 BvR 1851, 1853, 1875 & 1852/94, Oct. 24, 1996, ¶¶ 1, 13, 15, 111, https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/1996/10/rs19961024_2bvr185194.html [<https://perma.cc/X5JX-4E75>]; *Streletz v. Germany*, App. Nos. 34044/96, 35532/97 & 44801/98, Eur. Ct. H. R. 11–12 (2001).
 9. Richard Popplewell, *The Stasi and the East German Revolution of 1989*, 1 CONTEMP. EUR. HIST. 37, 50 (1992). Germany did, after WWI, briefly manage to establish a democracy in the form of the Weimarer Republik until 1933. Paul Bookbinder, *Choices and Consequences in Weimar Germany*, FACING HIST., <https://www.facinghistory.org/weimar-republic-fragility-democracy/readings/choices-and-consequences> [<https://perma.cc/DEP9-CV78>].

and punishment for governments and individuals who flagrantly violated the sanctity of human rights.¹⁰

Nuremberg, previously the rallying ground of the Nazi Party's most infamous propaganda event, the annual *Reichsparteitag*,¹¹ would represent a shift whereby protecting the sovereignty of the state became secondary to protecting the human rights afforded to individuals.¹² States would, in principle, be held accountable for violating the rights even of their own citizens. World War II ushered in a number of accountability mechanisms to ensure there would be no impunity for gross violations of human rights and mass atrocities.

When the Berlin Wall fell, a covenant among nations was renewed to uphold universal standards of justice to ensure that international crimes would not go unpunished.¹³

In the post-1989 era, we witnessed in the words of Anthony Loyd, the beginning of "a golden age of international justice."¹⁴

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10. After WWII, a series of conventions followed: the Genocide Convention, the Geneva Conventions, the Convention against Torture, and the prohibition (although not a convention) of crimes against humanity. These conventions and prohibitions aim to identify and prevent crimes that shock the conscience of humanity. Today, they are binding customary international law and mark a legal prohibition on granting impunity for atrocity crimes. Convention on the Prevention and Punishment of the Crime of Genocide art. 1, Dec. 9, 1948, 78 U.N.T.S. 277; Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 75 U.N.T.S. 31; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Aug. 12, 1949, 75 U.N.T.S. 85; Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 75 U.N.T.S. 135; Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 U.N.T.S. 287; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Feb. 4, 1985, 1465 U.N.T.S. 85. There is currently a draft Convention on the Prevention and Punishment of Crimes Against Humanity before the 6th Committee of the U.N. General Assembly. Rep. of the Sixth Comm. on Crimes Against Humanity, ¶ 7, U.N. Doc. A/75/427 (2020).
 11. Thornton Sinclair, *The Nazi Party Rally at Nuremberg*, 2 PUB. OP. Q. 570, 570 (1938).
 12. Henry T. King, *Nuremberg and Sovereignty*, 28 CASE W. RSRV. J. INT'L L. 135, 135, 137 (1996).
 13. See Mark S. Ellis, *Combating Impunity and Enforcing Accountability as a Way to Promote Peace and Stability—the Role of International War Crimes Tribunals*, 2 J. NAT'L SEC. L. & POL'Y 111, 119–20 (2006).
 14. Anthony Loyd, *25 Years on from Srebrenica, Has the World Lost Interest in Hunting War Criminals?*, TIMES (London) (July 16, 2020, 5:00 PM), <https://www.thetimes.co.uk/article/25-years-on-from-srebrenica-has-the-world-lost-interest-in-hunting-war-criminals-f51z3l2pm> [<https://perma.cc/PG99-AH3V>].

Of course, atrocities occurred at a staggering rate. The horrors witnessed in the former Yugoslavia, Rwanda, Sierra Leone, East Timor, Iraq, and elsewhere accelerated efforts to create additional accountability mechanisms to combat impunity for atrocity crimes.¹⁵

In a unique international collaboration, mechanisms to support accountability proliferated with the creation of international, regional, and national war crimes tribunals.¹⁶

But the golden age of international justice is facing significant challenges. Notwithstanding some remarkable initiatives—such as those being led by Leila Sadat on crimes against humanity;¹⁷ the International, Impartial and Independent Mechanism (“IIIM”);¹⁸ and the more aggressive position on universal jurisdiction taken by states such as Germany¹⁹ and the Netherlands²⁰—I am concerned that an apathy towards justice and accountability may be taking hold, that the commitment to end impunity and enhance accountability is waning.

I worry about the effectiveness of the International Criminal Court. It is in a perilous state.²¹

I worry about the uncertainty of universal jurisdiction when today many countries have constructed barriers that have drastically weakened the principle. I worry about the dismantling of the responsibility to protect.²²

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15. Jane E. Stromseth, *Pursuing Accountability for Atrocities After Conflict: What Impact on Building the Rule of Law*, 38 GEO. J. INT’L L. 251, 251–53, 267 (2007).
 16. *E.g.*, Rome Statute of the International Criminal Court, July 1, 2002, 2187 U.N.T.S. 3 (establishing the International Criminal Court); S.C. Res. 955 (Nov. 8, 1994) (establishing the International Criminal Tribunal for Rwanda); S.C. Res. 827 (May 25, 1993) (establishing the International Criminal Tribunal for the former Yugoslavia).
 17. Leila Nadya Sadat & Douglas Pivnichny, *Towards a New Global Treaty on Crimes Against Humanity*, EJIL TALK! (Aug. 5, 2014), <https://www.ejiltalk.org/towards-a-new-global-treaty-on-crimes-against-humanity/> [<https://perma.cc/XX24-ER9L>].
 18. *Mandate*, INT’L, IMPARTIAL & IND. MECHANISM, <https://iiim.un.org/mandate> [<https://perma.cc/GA9P-CWBZ>].
 19. HUM. RTS. WATCH, *THE LEGAL FRAMEWORK FOR UNIVERSAL JURISDICTION IN GERMANY 1* (2014).
 20. HUM. RTS. WATCH, *THE LEGAL FRAMEWORK FOR UNIVERSAL JURISDICTION IN THE NETHERLANDS 1* (2014).
 21. Douglas Guilfoyle, *Part I—This Is Not Fine: The International Criminal Court in Trouble*, EJIL TALK! (Mar. 21, 2019), <https://www.ejiltalk.org/part-i-this-is-not-fine-the-international-criminal-court-in-trouble> [<https://perma.cc/AYE5-XMYB>].
 22. *See* Mark Ellis, Executive Director, Int’l Bar Ass’n, 10th Annual Ruth Steinkraus-Cohen International Law Lecture: *The Decline of Universal Jurisdiction—Is it Reversible?* (Feb. 22, 2012).

I worry about countries, particularly the United States, that fail to bring to justice their own citizens who commit atrocities.²³ It is unconscionable that there has been no accountability for the policies adopted by the United States in its so-called ‘war on terror’ and that the prison at Guantánamo Bay still exists twenty years after 9/11.²⁴

I worry that basic legal standards and procedures are not sufficient to deter the arbitrary exercise of broad discretionary power by governments—power that is too often aimed at eroding basic human rights.

And I worry about the dramatic rise in nationalism across the globe. Characterized by an ‘us versus them’ mentality, this sinister and toxic ideology is draped in xenophobia, venomous intolerance, and a weaponized hatred of others.²⁵

It has led to an expanded network of physical barriers across Europe, a continent that now is surrounded and divided by more concrete and barbed-wire walls than at the height of the Cold War.²⁶

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23. Following the 9/11 attacks, there was an increase in government efforts to address terrorism and a more aggressive American foreign policy, prioritizing counterterrorism over human rights. As part of the efforts, the United States commenced a secret detention program under which suspected terrorists were held in CIA prisons, also known as black sites, outside the United States, where they were subjected to “enhanced interrogation techniques” that involved torture and other abuse. See AMRIT SINGH, *GLOBALIZING TORTURE: CIA SECRET DETENTION AND EXTRAORDINARY RENDITION* 5 (David Berry ed., Open Soc’y Found. 2013). It is widely acknowledged that none of the high officials in charge of establishing the various programs have been held accountable for their actions during that period. The rendition, detention and interrogation program, which ran from 2002 to 2008, involved the use of black sites and torture techniques, approved by the George W. Bush Administration and used by the CIA. These methods, including waterboarding, were designed to ‘condition’ prisoners to provide information to interrogators and debriefers. In 2009, the CIA renounced the harsh interrogation techniques. See, e.g., Margot Williams, *Architect of CIA’s Torture Program Testifies Just Yards from Accused 9/11 Plotter He Waterboarded*, THE INTERCEPT (Jan. 21, 2020, 4:23 PM), <https://theintercept.com/2020/01/21/911-trial-cia-torture-guantanamo/> [<https://perma.cc/E4N6-PDD8>]. Later, in 2014, the Senate’s torture report found that the program was a violation of U.S. and international law. See S. REP. NO. 113-288 (2014).
24. See Matthew Duss, *U.S. Foreign Policy Never Recovered from the War on Terror*, FOREIGN AFFS. (Oct. 22, 2020), <https://www.foreignaffairs.com/articles/afghanistan/2020-10-22/us-foreign-policy-never-recovered-war-terror?> [<https://perma.cc/K5KR-CCAE>].
25. Andreas Wimmer, *When Nationalism Works—And Why It Isn’t Going Away*, FOREIGN AFFS. (Mar.–Apr. 2019), <https://www.foreignaffairs.com/articles/world/2019-02-12/why-nationalism-works> [<https://perma.cc/4LYH-CH3J>].
26. Hannah Lucinda Smith, *Barriers and Barbed Wire Go Up Across Europe to Keep Out Migrants*, SUNDAY TIMES (Aug. 29, 2021, 12:01 AM), <https://www.sundaytimes.com/2021/08/29/barriers-and-barbed-wire-go-up-across-europe-to-keep-out-migrants/>.

Nationalism also leads to the dismissal of truth and the subordination of facts. This, in turn, weakens key concepts of accountability and justice.

I find some of the most disturbing evidence of this trend occurring in a region that I lived and worked in for many years—the former Yugoslavia.

You would think that twenty-six years after the events of Srebrenica in July 1995,²⁷ the denial of those events would be a relic of Yugoslavia’s dark past. It is not.

The genocide of Srebrenica—the first genocide in Europe since World War II²⁸—is an unquestionable fact. The extermination of more than 8,000 Muslim men and boys as they fled the U.N.-protected ‘safe area’ is today “an established part of modern history, detailed as irrefutable fact.”²⁹

But, for nationalists, it is not. The commonly held truth we yearn for in the former Yugoslavia remains elusive. Less than fifty percent of the Serbian population believe that the Srebrenica massacre happened; of those who do acknowledge the event, less than forty percent believe it was a crime.³⁰ And the nationalist attack on the truth is besetting Bosnia in new, innovative ways.

This summer, a report by a so-called ‘Independent International Commission of Inquiry’³¹ entitled *The Concluding Report on Sufferings of All People in the Srebrenica Region Between 1992–1995* has lit new flames of hate and denial.³²

[//www.thetimes.co.uk/article/barriers-and-barbed-wire-go-up-across-europe-to-keep-out-migrants-q26k2nnfb](http://www.thetimes.co.uk/article/barriers-and-barbed-wire-go-up-across-europe-to-keep-out-migrants-q26k2nnfb) [<https://perma.cc/23Y5-CWMJ>].

27. Loyd, *supra* note 14.

28. *Id.*

29. *Id.*

30. *Id.*

31. Menachem Z. Rosensaft, *Deceptive Report Escalates Srebrenica Genocide Denial Campaign*, JUST SEC. (July 29, 2021), <https://www.justsecurity.org/77628/deceptive-report-escalates-srebrenica-genocide-denial-campaign/> [<https://perma.cc/B9KX-XDF7>]. Gideon Greif, an Israeli ‘scholar,’ has been known to whitewash and manipulate history in favor of Serbs. He has been known to greatly exaggerate the number of Serbs who were killed in World War II, and often frames Serbs as the victims of atrocities, even when they were the perpetrators. *Id.*

32. *Id.* The report came at the behest of genocide-denying Serb leaders and was headed by Gideon Greif. The report concludes that “after a thorough investigation . . . neither the individual crime of genocide nor genocide in general took place in Srebrenica” and that “there is no indication that there was a special intent to commit genocide. Furthermore, no substantial part of the protected group of Muslims in Bosnia was destroyed.” GIDEON GREIF ET AL., CONCLUDING REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON SUFFERING OF

The report disregards the rulings of the International Criminal Tribunal for the Former Yugoslavia as “politically biased” and “illegitimate,” while using the dissents from the cases to justify the authors’ positions.³³ The report also criticizes other tribunals, including the International Military Tribunal at Nuremberg.³⁴

Other instances of state denials of genocide and atrocities prevail.³⁵

The values and ideas that have been the foundation of the international order since Nuremberg and were celebrated and reinforced with the fall of the Berlin Wall are in jeopardy.

I do not have all the answers to this troublesome trend. However, I do think civic education offers one important remedy.

There is an agonizing decline in citizens’ knowledge and appreciation of the sanctity of human rights. Civic education can counter this decline and the ideologies that denigrate human rights.

There is a clear correlation—an inverse one—between educational attainment and awareness and support for nationalistic parties and movements. In the last elections in Sweden, France, Britain, Hungary, Germany and the United States, the level of education was a predictor of populist support.³⁶ A higher level of education and civic awareness ensures a more liberal, multicultural worldview.

ALL PEOPLE IN THE SREBRENICA REGION BETWEEN 1992 AND 1995, at 86. (2021).

33. Rosensaft, *supra* note 31.

34. *Id.*

35. For example, the government of Pakistan continues to refuse to label the 1971 mass killings in Bangladesh a genocide. See Mark Dummett, *Bangladesh War: The Article That Changed History*, BBC (Dec. 16, 2011), <https://www.bbc.com/news/world-asia-16207201> [<https://perma.cc/KZ3C-3P65>]. Similarly, the Turkish government refuses to call the killings of hundreds of thousands of Armenians under the Ottoman Empire during World War I a genocide—a crime affirmed by the vast majority of historians, countries and several international bodies. The Armenian Genocide denial is a constant matter of Turkish foreign policy, and the Turkish government relentlessly attacks diverging opinion. See *How Genocide Denial Warps Turkish Politics*, THE ECONOMIST (Nov. 9, 2009), <https://www.economist.com/europe/2019/11/07/how-genocide-denial-warps-turkish-politics> [<https://perma.cc/9MUQ-GJSG>]. In Congo, there remains a campaign to deny the Rwanda genocide. An alternate history, widely accepted in Congo, is that Paul Kagame, who is now Rwanda’s President, “organised a fake genocide of his own people.” *From Congo to the Capitol, Conspiracy Theories are Surging*, THE ECONOMIST (Sept. 4, 2021), <https://www.economist.com/international/2021/09/04/from-congo-to-the-capitol-conspiracy-theories-are-surging> [<https://perma.cc/M7QY-GF2R>].

36. Carla Norrlof, *Educate to Liberate—Open Societies Need Open Minds*, FOREIGN AFFS. (Mar.–Apr. 2019), <https://www.foreignaffairs.com/articles/2019-02-12/educate-liberate> [<https://perma.cc/K7WS-G2RU>]. Education matters. It was the critical factor in those voters in the United States who

It would be a mistake to dismiss the current rise of nationalism as short-term or benign. It is not.

Law can be a weapon of domination and oppression, or an instrument of social cohesion. Lon Fuller was right when he said that law is about the moral good.³⁷ It should be swathed in norms of justice.

I remember a history class during my freshman year at university. In *The Open Society and Its Enemies*, published in 1945, the philosopher Karl Popper warned of totalitarian ideology in the post-WWII period.³⁸

The problems he wrote about are now manifest. But a structured and innovative public campaign aimed at demonstrating why international justice should be upheld can help change that.

Here, again, I mention Dean Scharf. In cooperation with the International Bar Association and Leiden Law School, under the leadership of Carsten Stahn, we launched the International Bar Association (“IBA”) ICC Moot Court Competition in 2017.³⁹ This innovative educational experience is focused on international criminal law and is now one of the most prestigious moot court competitions in the world. A total of 1,900 students, from over fifty countries, have participated.⁴⁰ Dean Scharf has played an indispensable role in its success.

There is more that can be done. I am calling on the United States, European and other law schools with an interest in promoting awareness of international justice among young students to join in a new educational program. The program will be centred on a series of essay contests asking students around the globe to articulate their views on international justice. In turn, the students will be eligible for scholarship awards, publishing opportunities and recognition through the IBA and partner law schools. The IBA will finance the program.

This proposed program would support the focus of the United Nations on international law education in combatting impunity.⁴¹

voted for Donald Trump in 2016. Nate Silver, *Education, Not Income, Predicted Who Would Vote for Trump*, FIVETHIRTYEIGHT (Nov. 22, 2016, 2:53 PM), <https://fivethirtyeight.com/features/education-not-income-predicted-who-would-vote-for-trump/> [<https://perma.cc/V4RQ-LY2H>].

37. See LON L. FULLER, *THE MORALITY OF LAW* (1969).
38. See KARL POPPER, *THE OPEN SOCIETY AND ITS ENEMIES* 482 (2d ed., 2020).
39. *IBA ICC Moot Court Competition*, INT’L BAR ASS’N, <https://www.ibanet.org/ICC-Moot-Court-Competition> [<https://perma.cc/S43Z-W3UK>].
40. See *generally News*, GROTIUS CTR. INT’L LEGAL STUD., <https://iccmoot.com/news/> [<https://perma.cc/XP3B-LB22>].
41. See G.A. Res. 68/110, *The U.N. Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law* (Dec. 18, 2013).

This idea will not completely reverse the trend I speak of, but I think it can help slow the process. This is our responsibility.

Recently, I visited the Holocaust memorial in Boston. At the entrance, there are these words:

Those who have perished have been silenced forever. Those who witnessed and survived the horrors carry with them the burden of memory. Through their voices, we work to comprehend the acts of inhumanity that can stem from the seeds of prejudice.⁴²

With the lifespan of the last Holocaust survivors nearing an end, we must become their voice and that of the survivors of other historical atrocities. We must engage the next generation to commit to uphold international justice.

Thank you for the honor of addressing you today.

42. See *The Memorial*, NEW ENG. HOLOCAUST MEM'L, <https://www.nehm.org/the-memorial/> [<https://perma.cc/LBL7-N2JH>].