

The Genocide Convention

The Legacy of 60 Years

edited by

H.G. van der Wilt, J. Vervliet, G.K. Sluiter
and J.Th.M. Houwink ten Cate

MARTINUS

NIJHOFF

PUBLISHERS

LEIDEN • BOSTON
2012

Table of Contents

Foreword	ix
<i>Johannes Houwink ten Cate and Harmen van der Wilt</i>	
Raphael Lemkin (1900-1959) and the Genocide Convention of 1948. Brief Biographical and Bibliographical Notes	xi
<i>Jeroen Vervliet</i>	
About the Authors	xvii
Keynote Addresses	xxi
General	1
1. Genocide and Crimes against Humanity: Clarifying the Relationship <i>William Schabas</i>	3
2. The Drafting and Development of the 1948 Convention on Genocide and the Politics of International Law <i>Matthew Lippman</i>	15
3. Understanding the Milošević Case: Legacy of an Unfinished Trial <i>Nena Tromp</i>	27
Procedure and Substance	39
4. Between Hate Speech and Mass Murder: How to Recognize Incitement to Genocide <i>Harmen van der Wilt</i>	41

5.	The Meaning of the Word “Destroy” and its Implications for the Wider Understanding of the Concept of Genocide <i>Larissa van den Herik</i>	51
6.	Criminologically Explained Reality of Genocide, Structure of the Offence and the ‘Intent to Destroy’ Requirement <i>Kai Ambos</i>	59
7.	Defending the ‘Undefendable’? Taking Judicial Notice of Genocide <i>Göran Sluiter and Koen Vriend</i>	81
	Victims	95
8.	Compensating Victims of Genocide <i>Liesbeth Zegveld</i>	97
9.	Why Compensation is a Mixed Blessing <i>Selma Leydesdorff</i>	105
10.	Some Measure of Justice. The Holocaust Era Restitution Campaign of the 1990s <i>Michael Marrus</i>	115
	Denial	143
11.	On the Outlawing of Genocide Denial <i>Johannes Houwink ten Cate</i>	145
12.	<i>Les Fleurs du Mal</i> , The Need to Confront Holocaust Distortion <i>Hagen Fleischer</i>	159
	Countries	171
13.	The United States and the Genocide Convention: The Sovereignty Package in Perspective <i>Lawrence LeBlanc</i>	173
14.	The Soviet Perspective on the Drafting of the UN Genocide Convention <i>Anton Weiss-Wendt</i>	187

Archives	199
15. Truths, Memories and Histories in the Archives of the International Criminal Tribunal for the Former Yugoslavia <i>Eric Ketelaar</i>	201
16. Truths, Memories and Historians in the Archives of the International Criminal Tribunal for the Former Yugoslavia <i>Robert Donia</i>	223
Education	229
17. Sixty Years UN Genocide Convention – New Challenges for Genocide Education <i>Martin Mennecke</i>	231
18. Genocide and Education <i>Dirk Mulder</i>	247
Appendix	253
If the Whole Body Dies: Raphael Lemkin and the Treaty Against Genocide <i>Robert Skloot</i>	