

**A CENTURY OF GENOCIDES AND JUSTICE:
THE TRIAL OF PAUL TOUVIER**

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ABSTRACT

A Century of Genocides and Justice: The Trial of Paul Touvier

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Literature Review

Expert literary works, such as the work of Ben Kiernan, have explored the root causes and timetables of genocides and the links between them. Scholars like Hannah Arendt studied the individuals psyche in greater depth through Eichmann who participated in and led detrimental decisions during the Holocaust. The development of studies regarding genocide has led to works involving cases near the end of the 1900's, particularly in France, as seen through works published by Henry Rousso and Richard Golsan. Then, it raises questions regarding the work of memory and identity and its role in determining what justice means following a genocide.

Thesis Statement

In order to understand the concept of genocides, it is necessary to examine the trials that follow each genocide. It is then possible to discover what they have in common through comparative research, and how memory and time play a role in determining how justice is then carried out. The development of these trials in the 20th century set precedents, but also changed the way and the meaning of Crimes Against Humanity. I will analyze the trials of Paul Touvier,

the Armenian Genocide, and the Rwandan Genocide to demonstrate these changes and the necessities of trials following a genocide.

Theoretical Framework

Conducted through a historical lens this study is using Paul Touvier's trial, the first French man charged for Crimes Against Humanity, as a point of reference. Then, the comparison of other men through various genocides charged for international crimes involving mass violence.

Project Description

The objective of this research is to compare how genocides over the past 100 years or so have come to an end. Along with what forms of justice were carried out in regards to the party deemed responsible. The crimes of committing a genocide had been discussed at great length in international courts and at conventions hosted by the United Nations. However, the policies of conventions are still vague in how to prosecute genocide, and the implementation of these policies has varied throughout history. By further investigating the trials of a post-genocide regime, this paper will attempt to identify the goals of each trial and how the type of court system, used to conduct each case played a role. This paper will contribute to ongoing research of genocides because it adds further analysis on how to best approach genocide as a crime and the impacts that previous implementations are carrying in to society today.

This study is critical and relevant because genocides continue to be a crime committed in our time, and with no standard of consequences. By pursuing my research in a comparative study of the modern era, I hope to analyze a less tackled aspect of genocides. Which is the conclusion of a genocide and the condemnation, or lack thereof, following genocides. To study

this further, I will be focusing my research on the era of the 1900's to present; while discussing the methods used in carrying out justice following a myriad of genocides. .

KEY WORDS

ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
RPF	Rwandan Patriotic Front
SOL	Service d'Ordre Légionnaire
UN	United Nations
WWII	World War II

INTRODUCTION

The trial of Paul Touvier was necessary for a greater understanding of Vichy and its role in the genocide, the French state in the 1990's and their memory, and the world of International Crimes for how they chose to implement and define Crimes Against Humanity. As elaborated in this paper, Touvier's court case was controversial, because the crimes that he committed were fifty years ago during World War II (WWII). His court case was held in 1994, at that time he was 80 years old with prostate cancer. However, by analyzing this case it becomes clearer how courts for Crimes Against Humanity have changed since the times of the Armenian Genocide, and how that played into the role of justice for the Rwandan Genocide. Despite being a mid-level worker within Vichy, Paul Touvier's case was able to open up questions regarding how the French view the concept of memory, and if there should be a timeline on justice. These are the problems faced by every court system after a genocide, and these questions determine how courts will proceed subsequently.

20th Century Genocide

At the beginning of the twentieth century, most of the world had been claimed or settled already, and the desire for imperialism was diminishing. However, regimes whose power or land mass were shrinking began to take extreme measures to project the idea of being larger through the use of totalitarianism. For instance, the case of the Ottoman Empire resorting to genocide during the First World War (Kiernan). This idea of exterminating a nation's scapegoat would further develop into discrimination against specific races, religions, and ideologies. While, the idea of violent discrimination against these groups of people was not a new phenomenon. The idea of an organized state led mass killing with modern technology, and methods had never been

so amply applied before; thus, creating the genocides we know now. In reaction and arguably preventive measures, international tribunals started conducting trials to charge and punish the perpetrators of genocides. While, international law is a contested issue and the validity of these courts is often discussed at length. There is a need for international cooperation in bringing justice to those who commit the atrocities of this scale, for posterity and the globalized community.

The United Nations Rome Statute

The United Nations in the Roman Statute of the International Criminal Court, Article 7, defines Crimes Against Humanity as,

Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Murder; Extermination; Enslavement; Deportation or forcible transfer of population; Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; Torture; Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; Enforced disappearance of persons; The crime of apartheid; Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. (ICC)

This is the modern-day definition of Crimes Against Humanity, currently used in the International Criminal Courts (ICC), and closely resembles the sovereign French law definition for Crimes Against Humanity. It is important for understanding the charges brought against criminals such as Paul Touvier, who saw the meaning of Crimes Against Humanity change over the course of fifty years between his crimes and his trial in 1994.

CHAPTER I

VICHY

History

When the German's overtook France in 1940, the 3rd Republic fell and the Germans split the country between the north (the occupied zone) and south (the "free" zone). A new French government, under the leadership of Philippe Pétain, set up the regime today recognized as Vichy. Pétain had become a national hero after the Battle of Verdun in the first World War. Thus, he was felt to be an ideal chief by the remaining Senate and Chamber of Deputies members. Vichy was based in the spa town of Vichy centrally located in France, but under the jurisdiction of the "free" southern zone. The Vichy regime was technically speaking under their own rule, but worked in close collaboration and under great influence of Nazi Germany. Hence, the validity of Vichy during and after the war was highly contested. Officials who worked under the Vichy Regime collaborated with the Germans, and those who did not support Vichy were known as La Résistance. To differentiate themselves, Vichy kept the tricolor French flag but added an ax above seven gold stars. Beyond that, Vichy changed the French motto from "Liberté, Egalité, Fraternité" to "Travail, Famille, Patrie." Vichy was a vastly right-wing conservative regime, and the ax on the flag was akin to the ax used by the Franks (who were regarded as the founders of the ethnic nation of France). The regime's motive was to invoke feelings of nationalism and loyalty from those who were considered the true French (i.e., not foreigners). Moreover, Vichy without the provocation of the Germans; set up their own anti-Semitic laws for excluding Jews from society. While not explicitly creating their own Final

Solution, they molded a system and society that was built to support the Nazi's extermination of the Jews.

Under Vichy a militia group was created, termed the Milice; they fought with the Germans, opposed La Résistance, and deported Jews. The Secretary-General of Vichy, Joseph Darnand, commanded the Milice. It became a strong paramilitary force, who were known for using torture to acquire information. They were the greatest threat to the Résistance - unlike the Germans, members of the Milice had a native comprehension of the culture, geography, and language. For men like Touvier, the Milice was an enticing opportunity to work, make money, and find a community amongst the disorienting times. By the last couple years of the war, the Milice was not only fighting La Résistance but also delivering Jews to the Nazis for deportation.

Notable Vichy Players and Their Trials

René Bousquet, Vichy Head of the Police, was supposed to face trial only a short period before the 1994 case of Paul Touvier, for his crimes committed during WWII. He was to be charged for the well-known Vel' d' Hiv' Roundup (Vélodrome d'Hiver), where nearly 13,000 mostly foreign Jews, including women and children, were forcibly gathered (Conan, Rousso). From there, they were taken to transit camps and then deported to concentration camps. It was an event that was well documented with names and numbers, and a trial would've revealed many actions of numerous perpetrators. However, before Bousquet's trial to face charges of Crimes Against Humanity could begin he was shot and killed on June 8, 1993. Had his trial proceeded, many facts and questions surrounding Vichy could have been answered, instead falling on the shoulders of Paul Touvier's trial.

In 1987, Klaus Barbie "the butcher of Lyons" was convicted and sentenced to life in prison for 17 Crimes Against Humanity in a French court. His case was used to disseminate

much of the information regarding Touvier, because Barbie, as Head of the Gestapo in Lyon, worked directly with Touvier. In this case, the Cour de Cassation held that one convicted of Crimes Against Humanity should be held responsible if they were working under a totalitarian state such as the Nazi Regime.

Furthermore, a few years following the trial of Touvier, a much larger case took place for Maurice Papon. Papon had been the Secretary-General of the Prefecture of Gironde during WWII, but following the war had remained in the government as a staunch supporter of Charles de Gaulle. His case would cause a larger public outrage because of how well hidden his crimes were kept and how long he had stayed in government.

CHAPTER II

PAUL TOUVIER

Touvier's Background

Paul Touvier was born in a small French town in 1915, he was not well-educated and worked as a clerk on the railroads. His father took part in fascist organizations, worked as a tax-collector, believed strongly in Catholicism and Pétain, and wanted his son to become a priest. His father was the reason Paul became involved with Vichy and urged him to join its organizations. Touvier fought in WWII, and after the French defeat resumed work on the Chambéry railways.

Paul Touvier's overall reputation was of a man who liked prostitutes and dealing on the black market. Nonetheless, he became involved with Vichy through the Légion de Combattants and the Service d'Ordre Légionnaire (SOL), where he excelled. In January 1943, SOL became the Milice, and Touvier continued moving up the ranks. By August of that year, Touvier became Head of the Second Service for the Rhone Region, covering about a population of four million people. His job allowed him the freedom to acquire intelligence that would be vital to the Milice. Similarly, he was profligate and although would not be sentenced for all his crimes, it is well known that he carried out many racist attacks against Jews.

Near the end of World War II, there was a period in France known as the Purge or the Épuration Légale. During this wave, those who collaborated at varying levels under Vichy were tried in courts for treason or publicly humiliated. Accused faced anything from a death sentence, loss of civil rights, to (women mostly) having their head shaved for horizontal collaboration (i.e,

sleeping with the enemy). The period was chaotic and a violent upheaval of a broken country trying to rebuild itself.

Fearing for his life during the Purges following the war, Touvier went on the run. He hid among the local Catholic priests wherever he went and became friends with influential figures in the Catholic Church who protected him (Rémond). At one point early on, Touvier bought a building in Montpellier, using money he had stolen from his victims, which he then renovated and sold for an even larger profit. He then moved to Paris, where he lived as a petty thief; he was caught, and then escaped from his unprotected prison cell. Also, in Paris he had met Monique Bethet, who nursed him back to health following a gunshot wound, and helped him escape from the prison. They married in 1947 and they had two children together. In 1996, he died at age 81, in a hospital prison, from prostate cancer.

La Rillieux-la-Pape Affair

In January of 1944, Touvier became the Regional Chief of the Intelligence Service for the Deuxième Bureau of the Milice in the Rhone Region. On June 28, 1944, Philippe Henriot, the Minister for Information and Propaganda under Vichy, was assassinated by the French Résistance. Touvier killed 7 Jews the day after the death of Philippe Henriot in reprisal for what he claimed were the orders of Werner Knab (the German Gestapo Chief of Lyon), and the event became known as the Rillieux-la-Pape Affair. Touvier claimed that Knab had ordered the killing of 100 Jews, whereas Touvier had managed to negotiate down to thirty victims, then to seven victims. However, according to witness accounts, under the orders of Touvier; eight men were gathered. Yet realizing that one of them, Jean-Luc Goudard, was a resistor and the only non-Jew of the eight, Touvier ordered his release and had the rest shot.

There is little to no documentation to support that Touvier was under orders from Knab or that he had negotiated for how many lives would be taken, but by admitting to the crime he was a participant in the extermination of Jews in collaboration with a totalitarian regime. Even more than this, there was a document presented during the trial that Touvier was present at a dinner with German and French officials, including Werner Knab on June 28, 1944 (Golsan). Yet, at that dinner there remained no mention of the recent death of Philippe Henriot, or any action deemed necessary to the scenario that Touvier described were his orders. Klarsfeld, the civil parties lawyer, would use this in court, to question the validity of Werner Knab demanding the death of 100 Jews. Even so, Touvier was convicted for Crimes Against Humanity by his own admission.

The Changing of Crimes Against Humanity

During the London Agreement and Charter on August 8, 1945, the World War II Allies defined Crimes Against Humanity:

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 of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. (Nuremberg Trial Proceedings Vol. 1 London Agreement of August 8th 1945)

The writers were careful to include different groups that an act can be committed against, not just racial prejudice, which would be a problem the French would also face in trying to create a modernized definition of Crimes Against Humanity down the line. However, this definition was intended for charging Nazis during the Nuremberg trials and not French citizens.

Furthermore, the definition created during this conference raised confusion as to what specifically should be charged as a War Crime and to what extent should a charge be based on the nature of the victims involved. Nonetheless, the main goal of the charter was to define Crimes Against Humanity, War Crimes, and Crimes Against Peace as charges against leaders and accomplices, and find them guilty under the law (Rousso).

The Prologue of Trials

Touvier faced a trial by the Cours de Justice, on September 10, 1946, and March 4, 1947, where he was condemned to death in absentia for treason and conspiring with the enemy. In Rousso's book *Vichy An Ever Present Past*, he expresses the irony is that most likely had Paul Touvier gone to court between WWII and the 1950's, he would have only faced a few years in prison. Instead, in 1959, the Minister of Justice, Edmond Michelet, pardoned Touvier for his crimes. At that time, Touvier explained the Rillieux-la-Pape incident, hoping to win sympathy over saving 93 lives. The statute of limitations, which was previously capped at twenty years, was removed for the charge of Crimes Against Humanity after the bill passed on December 26, 1964, in the French National Assembly.

However, Touvier was then pardoned in 1971 by President Georges Pompidou for his crimes of treason and his death penalty sentence. However, just a year before, the police commissioner and member of the French Résistance movement Jacques Delarue, requested for further investigations of Touvier. He had filed a report on Touvier as a participant of the Milice and had noted that he found no proof of the German's involvement in the Rillieux-la-Pape Affair. Moreover, the pardon attracted more attention to Touvier than ever before. It caused a public outcry for Touvier, with people worldwide demanding that he be brought to justice. Hence, in the face of public criticism and fear of facing the courts, Touvier retreated to

hiding again. In 1973, Georges Glaeser followed the outcries by accusing Touvier of instigating the Rillieux-la-Pape Affair. By 1974, Touvier faced allegations for torture, an attack on a synagogue, and deportations of Jews and Résistance fighters.

By November of 1981, there was a warrant for Touvier's arrest, but finding him was not deemed a priority, so he was not arrested until May of 1989. However, during the years 1981-1989 there was a judicial investigation by Magistrate Azani then Magistrate Grellier for his prosecution of Crimes Against Humanity. Magistrate Getti then led the second judicial investigation from 1989-1991.

However, during December 1985 the Court of Criminal Appeals amended the charge of Crimes Against Humanity by stating,

Crimes against humanity not subject to the statute of limitations are constituted, in keeping with Article 6c for the statutes of the International Military Tribunal of Nuremberg, appended to the London accords of August 8, 1945, even when they could be defined as war crimes according to Article 6b of this same text, all inhumane acts and persecutions which, for the sake of a State practicing a policy of ideological hegemony, were committed systematically not only against individuals because they belonged to a racial or religious group, but also against the adversaries of this policy, whatever may be the form of their opposition. (Rousso, 90)

This definition added further clarity to the meaning of Crimes Against Humanity, and defined the crime to the acts committed rather than the victim's state. This issue was significant, because it showed that the courts were updating according to the times, but still were not accusing Vichy of their racist ambitions.

Therefore, Vichy cannot not be accused in a legal setting of Crimes Against Humanity, but a single man like Touvier may be convicted. In 1988, the Court of Appeals ruled that to be convicted, an individual also needed to be working under the orders of a state with essentially genocidal plans or ideology, such as the Final Solution. Thus, because Vichy was denied as a state, those who served Vichy could not be charged with Crimes Against Humanity, and Vichy did not officially create the Final Solution; it was necessary to find Touvier work a crime ordered by Nazi Germany.

From there, the French courts spent more time studying the allegations of Crimes Against Humanity. Touvier spent years in and out of hiding from the courts until his arrest in 1989. However, President Mitterrand, the President of France at the time of Touvier's trial was quoted in a book stating that he agreed with Pompidou's pardon for Touvier. The book, *Une Jeunesse Française* by Pierre Péan, was not released until 1994 and detailed President Mitterrand's life including his involvement with Vichy and Pétain. This scandal was one of the best examples of how French people did not fall into black and white categories of resistor or collaborator during the war, and how they were continuing to discover and accept that.

Nonetheless, after Touvier's arrest, he was released by the Chambre d'Accusation of the Paris Court of Appeals in July 1991 and the bail was 60,000 francs (Golsan). Then in April 1992, the Paris Court of Appeals acquitted Touvier of all his charges. Public outrage soared, and petitions were signed for the reversal of the court's decisions. Therefore, on November 27, 1992, the Criminal Chamber of the Supreme Court decided to reevaluate, and this led to his final court case a little over a year later.

1994

In 1994, Paul Touvier, nearly 50 years following the end of WWII, was found guilty for Crimes Against Humanity and sentenced to life in prison without parole. After hiding for half his life, Touvier was convicted for the death of 7 Jews in the Rillieux-la-Pape Affair, an action he admitted himself many years before. Yet, Touvier was old and sick with cancer; he did not spend his life in prison, merely two years, and died July 17, 1996.

Nonetheless, his trial still holds importance and was able to bring out several questions concerning memory, and the ideals of Vichy along with officials that were in power following WWII. The trial began March 17, 1994, and he did not know it at the time, but Touvier would be the first Frenchman convicted of Crimes Against Humanity. Thanks to the trial of Klaus Barbie, there were some stipulations in place for charging a man for Crimes Against Humanity under French law, but this case would be a different source of interest because Touvier was a French citizen and not a Nazi.

However, the fact that this case took place so far after the original creation of Crimes Against Humanity as a charge, meant that the definition had changed several times since Touvier had been involved with Vichy during WWII. March 1, 1994, the French adopted a new penal code, and their definition for Crimes Against Humanity now agreed with the Rome Statute of the International Criminal Court under Article 7, as opposed to the London Agreement's original definition. This development was important because even though Touvier's crimes had not been considered Crimes Against Humanity when he committed them during WWII, and he was not a Nazi, it was now in the French legal context to charge him.

While the trial itself received much attention, it also brought to light several other government officials and their position during WWII such as Jacques Chaban-Delmas and Pierre

Messmer, and Prime Minister Edouard Balladur (although he was able to deflect being called as a witness to Touvier's trial). Jacques Delarue, having already investigated Touvier, and being a prominent historian, was called to the stand for questioning. He often noted that from the view of a historian, he needed to point out that the entire court was guilty of anachronism, which was inevitable in a trial conducted so long after the crime. Throughout the trial, he continued to move forward, agreeing with the lawyer Klarsfeld that Touvier seemed to have acted alone in the Rillieux-la-Pape Affair. (Golsan)

Touvier's lawyer was Jacques Tremolet de Villers, a defense lawyer who was loyal to the extreme right, and notable for his commitment to the art of law. On the other side there was a team of 37 lawyers who dug up some notebooks belonging to Touvier. Here, they found proof of his post-war anti-semitism, and used it as evidence during the trial. Yet, this continued to be a difficult trial that would perhaps have had more answers if it had been Bousquet on the stand.

For instance, due to the passage of time it was difficult to find witnesses and accurate testimonies. Moreover, none of the jury had lived through World War II as adults. A shaky witness example would be Touvier's chauffeur, Jean-Lucian Feuz, who contradicted himself during his testimony (Golsan). This issue is also why the other crimes that Touvier was accused of did not convict him of Crimes Against Humanity; lacking proper evidence and witnesses to charge him. The concept of memory played a significant role throughout the trial. It provoked many questions that the French society had only recently begun unearthing, and questioned the validity of the trial altogether. Are those collaborators criminals? What was Vichy's role and stance involving the Final Solution?

Another important concept is the definition of *Crimes Against Humanity*. Since Touvier's crime had been committed the definition had changed several times, including to

whom and where it applied. Therefore, at points following World War II, Touvier's trial and sentencing could have played out several different ways. While he was spared from the Purges, he could have possibly been let off with forgiveness later had he not been in hiding. Either way, his final conviction was because he admitted to acting under rule of the Third Reich. This was not a point confirmed by a legal file, only his confession. Hence, he was found guilty for following orders from a state with an ideological goal of exterminating the Jewish population; a genocidal regime already found guilty for Crimes Against Humanity.

CHAPTER III

ARMENIAN GENOCIDE

In Weitz's *A Century of Genocide: Utopias of Race and Nation*, he uses the Armenian's as a prelude to the following century. Similarly, the genocide can be seen as a prelude for the failure of justice for the Armenians that changed over the course of the century, such as shown through the trial of Paul Touvier. The Armenian Genocide set the stage for future state lead genocides, but fails to set a precedent for charging those responsible for their crimes committed during a genocide. Nonetheless, Raphael Lemkin, who was not satisfied with events that transpired following the genocide, went on to coin the term "genocide," deriving from the Greek *genos* (a people/nation) and the Latin *-cide* (murder) (United States Holocaust Memorial Museum). Furthermore, the United Nations officially recognized the term in December of 1948 at the Convention on the Prevention and Punishment of the Crime of Genocide. I cite the Armenian genocide as a starting point for the development of genocides beginning in the twentieth century, and a point of reference when arriving at the trial of Paul Touvier.

The Event

In 1915, nearly a year after World War I, the Armenian Genocide began. This event was executed by the Turkish government and would lead to the death of over 1.5 million people and many more displaced. When the Young Turks took power, they envisioned a unified Turkish nation. The Armenian's land was part of their expansionist idealism but the Armenian people were not. The reasons for the atrocity are debated, with some experts claiming that they were removed because they were Christians (Waal). Other historians and/or Turkish officials claim it to be due to the Turk's suspicion of the Armenians turning against the Ottoman Empire and

possibly working with the Russians during The Great War (Zarifian). The Armenians endured abuse, rape, and death marches. The event was noted globally as a Crime Against Humanity and would later be Raphael Lemkin's key inspiration in coining the term: genocide.

Recognition

The term genocide, as defined by the United Nations, involves both mental and physical aspects of causing serious harm with the "*intent to destroy, in whole or in part, a national, ethnical, racial or religious group.*" (OHCHR) The Young Turks denied that the genocide was a systematic and organized killing of an ethnic group. The United States was wary to use the term "genocide" until December of 2019, because of their unstable yet crucial relationship with Turkey. Therefore, the policy of recognizing the Armenian genocide was postponed for over a hundred years. While several other countries, including France, officially recognized the Armenian Genocide as a genocide long before 2019, the submission to Turkey's denial only provoked the lack of justice available to the Armenians.

Officially recognizing the Armenian Genocide is important not only to the Armenian community but for the world to recognize that the countries should not be intimidated by/negotiate with another country whose state commits atrocities against humanity. Moreover, as a global community, in terms of using its strength to protect all groups of peoples around the world, it is necessary to use its force to bring justice such as seen during the Nuremberg Trials.

Armenian Trials

Following World War I, the Allies condemned the Ottoman Empire for their actions upon the Armenian people, but it was the British who forced the upper hand in conducting trials for those accused of participating in the genocide. There were roughly 100 Turkish officials arrested, with smaller trials held for criminals not considered to be a part of the planning of the

genocide, rather just participants. However, it was the death sentence and funeral of Mehmet Kemal Bey, who was found guilty for planning, deportations, and murder amongst other crimes; which led to the revival of Turkish nationalists against the trials.

By this point, the British who had been slow to enforce the trials were losing power and influence within Turkey. The British then transferred sixty-eight of the accused men to Malta under British custody. Once the accused were removed from Turkey, the Turkish Nationalists who had already been fighting for the end of the trials used the British actions to display the courts as a mockery; put an end to any further sovereign trials regarding prosecution for the genocide. A new problem was set for the British; how to conduct the trials under British law given the absence of international laws concerning Crimes Against Humanity.

The Nationalists gaining power in Turkey, demanded the release of the prisoners in Malta, by taking a group of British citizens hostage until the Turkish prisoners were released. Due to the fact that the British had lost their authority over Turkey; they released the remaining criminals in Malta. In 1923 the Treaty of Lausanne was signed, which did not contain independence for the Armenians, nor any conclusions of the tribunals for the genocide, and semblance of justice for the Armenians was disappearing.

The trials were not given the highest level of importance by the Allies following World War I, nor by the Turks in power. To this day many documents and records remain classified and inaccessible to scholars and the public. Therefore, the narrative of the Armenian genocide is deprived of hard evidence and archives to provide in the face of the deniers.

Nonetheless, from the trials, and lack thereof we can see the forming of charges for Crimes Against Humanity. Such as those brought against Mehmet Kemal Bey, the governor of Yozgat, who was proven to have organized the Yozgat deportation. He was sentenced to death

and would have most likely been convicted for Crimes Against Humanity in today's international criminal tribunals.

CHAPTER IV

RWANDAN GENOCIDE

The same year as the trial of Touvier, Rwanda was dealing with an unimaginable catastrophe. On April 6 1994 that same year, President Juvenal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi were killed when their plane was shot down. This was the trigger of an awaiting genocide that took over 500,000 lives in the duration of three months. The Hutu extremists tore through Rwanda killing Tutsis and anyone else who got in their way. Eventually, the Rwandan Patriotic Front (a Tutsi rebel group) took over the central government after killing a few thousand Hutu civilians (Clark). The genocide devastated the country and the fundamental institutions within Rwanda.

Justice?

The need for justice was clear following the genocide. However, there lay many difficulties, one being that so many lawyers and judges had been killed. Aside from the international courts; Rwanda developed their own form of a judicial system known as the Gacaca Courts. Due to the nature of the crime, there was a mass amount of people who were guilty of participating in the genocide and were kept waiting in overcrowded prisons. Hence, at the beginning of the purges following the genocide, it is more than likely that several people faced unjust trials. However, in 2007 Rwanda abolished the death penalty.

Established in 1994 the International Criminal Tribunal for Rwanda (ICTR), intent was to convict the largest perpetrators responsible for the organization and implementation of the genocide, the courtcases proceeding until 2015. Nevertheless, for the time and money spent on these trials; it only convicted approximately 50 people. Beyond that, the ICTR was only taking

cases for the Hutus and not those in the Rwandan Patriotic Front (RPF) who had also committed crimes. This promoted that there are winners and losers in the violence of genocide, and only the losers will be tried. Similar to the French, who aside from the purges of their own people, were not placed under the same scrutiny such as the “losers of the war”; the Nazis during the Nuremberg trials. This idea of winning and losing, would appear when trying to write the history of what the role of Vichy was in the Final Solution and its ideology.

Gacaca Courts

Still facing mass amounts of trials in 1998, the Gacaca Courts were adapted as a way to create community justice through truth and local input. The judges of these courts, who had no professional training in the judiciary capacity, were voted in by the community. They then would referee the trial, while community members who knew the crimes of the accused would step forward and state what they know. Until the end of the trials in 2012, two million cases were processed.

Human Rights Watch states that,

The expectation that gacaca could deliver national-level reconciliation in a matter of a few years, especially so soon after the genocide, was unrealistic from the outset. But gacaca's potential for contributing to reconciliation was hindered by difficulties in revealing the truth, as some participants lied or remained silent due to intimidation, corruption, personal ties, or fear of repercussions. In addition, gacaca did not deliver on its promises of reparations for genocide survivors: survivors received no compensation from the state, and little restitution and often overly formulaic apologies from confessed or convicted perpetrators—casting doubt on the sincerity of some of these confessions. While gacaca may have served as a first step to help some Rwandans on the long path to

reconciliation, it did not manage to dispel distrust between many perpetrators and survivors of the genocide. (Human Rights Watch)

This is interesting to note when comparing the Purges that took place following World War II on French collaborationists and Nazis. Neither trials were a complete success in being able to bring justice to all the guilty criminals. Yet, by incorporating the community, the Rwandans were able to participate in bringing justice for crimes that had directly afflicted them. However, in tribunals following WWII the victims and perpetrators were largely separated. An unintended consequence of society's separation from the trials could have contributed to the desire to deny the war and get back to normal life; as was seen in France. However, that would evolve into a society obsessed with understanding the past by the time of Touvier's trial in the 90's. Nearly fifty years following the war, the nation, and the generations who followed were seeking some sort of larger justice they felt had not yet been delivered.

French Involvement

Many accused Rwandans, at the end of the genocide, fled to France and French territories. They were not brought to trial for several years. The first case was Pascal Simbikangwa, whose final trial was held in Paris in February of 2014. He was the Chief of the Central Intelligence for Rwanda and was found guilty for complicity in genocide and Crimes Against Humanity. He was sentenced to 25 years in a Parisian prison. He appealed and the French Cour de Cassation rejected his appeal, and reaffirmed his sentence of 25 years (Clark). This case was interesting because the French had originally been supporters of the Rwandan government, and that includes some Hutu forces who ended up participating in the genocide. Additionally, the French along with the UN Security Forces did not intervene until

two months into the genocide. Paul Touvier's trial set the stage for charging men with Crimes Against Humanity in France, and therefore the trials under the ICTR were able to be conducted.

CHAPTER V

MEMORY

Connecting Identities

By studying these different cases we respect the future by honoring the past. It is undeniable that many crimes were committed under the genocides, and absolute justice is impossible. However, by finding ways to serve justice, it sends the message that these atrocities will not pass unnoticed by the global community. Memory creates an identity, and that identity, such as the case of Vichy, determines how a country will view its own actions and take responsibility. Moreover, it is important that historians find a way to compose history in a manner that narrows in on the truth as closely as possible. Neither the Résistance nor Vichy are innocent, nor the RPF or Hutu extremists. The court allows further exploration of these different aspects of genocides, not only for justice but also for historical identity.

Touvier was convicted as a Nazi collaborator, under strict legal terms that spared Vichy, but it created a unique notion that by committing these crimes as a collaborator, an individual could be separated from his occupation in Vichy. Despite its legality, the nature and ideologies not officially proclaimed by Vichy had been able to be further scrutinized.

In addition, although adults from the war were still alive, it was the next generation that was calling for the truth and placing the criminals in courts. This situation created difficulties in deciding what was anachronistic biases, and what actually happened. Anachronism within the court was inevitable, however this fact was not enough to disqualify the trial of Touvier from taking place. The French had a duty to history, the state, and those affected to carry out justice. While anachronism played a role in Touvier's ability to evade many of the crimes that otherwise

he might have been charged for; the trial was still able to serve its purpose and sentence him to life in prison. These trials set precedents such as those seen in Papon or the decision to try Rwandan criminals for Crimes Against Humanity in French courts.

CONCLUSION

To conclude, the trial of Paul Touvier was not only significant but necessary for French law and cases of Crimes Against Humanity. The trial was able to bring about Vichy's role in collaboration with the French, and set the stage for a higher-ranking official (Maurice Papon) to also be tried for Crimes Against Humanity. By, looking at Touvier's case and the trials following other genocides we can see how post-genocide justice systems have developed and changed depending on the country and situation. Although Paul Touvier was not the organizer of the Final Solution, he was still guilty. He assisted and participated in the genocide, so a trial was needed for the victims, the French, and to bring criminals to justice.

By concentrating on why and how trials take place following a genocide it is possible to analyze the phenomenon of genocides themselves. Moreover, by setting these trials side by side, in terms of genocide and history, the importance of the relation to the timeframe of each trial becomes a determinate in the justice carried out. Thus, the necessity of conducting and then further studying these trials, such as Paul Touvier, becomes fundamental in the sense that it allows for not only the role of justice to be performed, but also creates a framework to conduct future trials under.

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