



Yom Hashoah  
2009

**Shoah Commemoration – April 20, 2009**  
**Place des Nations – Geneva**  
**Speech by Irwin Cotler**

***The Holocaust and Human Rights:  
Universal Lessons for our time***

As I begin to speak, after hearing these moving tributes to René Cassin and Raphael Lemkin, I am reminded of the words of the Cantor during the Yom Kippur service HINENE HEANI MIMAAS, I am inadequate in word and indeed. For I have neither the wisdom of the scholar nor the experience of the survivor. I only know what my parents taught me as a young boy — the profundity and pain of which I only realized years later — that there are things in Jewish history — human history — that are too terrible to be believed but not too terrible to have happened.

Oswiencim, Majdanek, Dachau, Treblinka — these are beyond vocabulary. Words may ease the pain, but they may also dwarf the tragedy. Indeed, the Holocaust was uniquely evil in its genocidal singularity, where biology was inescapably destiny, a war against the Jews in which, as Elie Wiesel put it, “not all victims were Jews, but all Jews were victims.”

We meet on Holocaust Remembrance Day — at an important moment of remembrance and reminder, of bearing witness and of warning:

- in the aftermath of the 60th anniversary of the Genocide convention — sometimes spoken of as the “Never again Convention” — and which has been violated again and again;
- on the occasion of the 15th anniversary of the unspeakable genocide in Rwanda — unspeakable because it was preventable — where 1 million Rwanda — mostly ethnic Tutsis — were murdered in less than 100 days;
- in the aftermath of the 60<sup>th</sup> anniversary of the UN Declaration of Human Rights — the international *magna carta* of the UN — which, as former U.N. Secretary-General Kofi Annan said, “emerged from the ashes of the Holocaust,” and was intended “to save succeeding generations from the scourge of war” — but which has been violated in every one of its particulars

- on the occasion of Durban II; where Durban I became the tipping point for the new, globalized, and even legalized Antisemitism — parading under the banner of “human rights”; invoking the imprimatur of “international law”; and proceeding under the protective cover of the United Nations — while undermining all three; where this same United Nations has singled out one Member State — Israel — for differential and discriminatory treatment; the whole mocking the statement of Kofi Annan that “a UN that fails to be at the forefront of the fight against anti-Semitism and other forms of racism, denies its history and undermines its future.”

And inspired by two great heroes Raphael Lemkin and René Cassin:

**Raphael Lemkin** was a brilliant jurist who not only helped expand the law, but also helped expand our universe of understanding. Indeed, his contribution to the legal treatment of genocide is rivalled only by his contribution to our historical conceptualization of genocide. By introducing the term, and actively working to prevent this crime of crimes, Raphael Lemkin transformed our understanding of oppression, of atrocity, and even of humanity itself.

**René Cassin** was a visionary jurist and leader in international human rights. At a time before people even spoke the language of international human rights, he was drafting the Universal Declaration of Human Rights—which even today acts as an international constitution of human rights, to which all we all must not only aspire, but adhere.

I had the pleasure of knowing and working with René Cassin, and, on a personal level he was as compelling and inspiring as he is known to be all around the world. He is rightfully seen as not only a true champion of humanitarianism, but of humanity. Today we should all remember his words, with respect to the body of international human rights law he helped build, that “Now that we possess an instrument capable of lifting or easing the burden of oppression and injustice in the world, we must learn to use it.”

And so, on this anniversary of anniversaries, we must ask ourselves: what have we learned, and what must we do?

**The first lesson** is the importance of *Zachor*, of remembrance itself. For as we remember the six million Jewish victims of the Shoah — defamed, demonized and dehumanized, as prologue or justification for genocide — we have to understand that the mass murder of six million Jews and millions of non-Jews is not a matter of abstract statistics.

For, unto each person, there is a name, an identity — each person is a universe. As our sages tell us, “whoever saves a single life, it is as if he or she has saved an entire universe.” Conversely, whoever has killed a single person, it is as if they have killed an entire universe. Thus, the abiding imperative: we are each, wherever we are, the guarantors of each other's destiny.

**The second enduring lesson** of the Holocaust is that the genocide of European Jewry succeeded not only because of the industry of death and the technology of terror, but because of the state-sanctioned ideology of hate. This teaching of contempt, this demonizing of the other, this is where it all began. As the Canadian courts affirmed in upholding the constitutionality of anti-hate legislation, the Holocaust did not begin in the gas chambers — it began with words.

These, as the Courts put it, are the chilling facts of history. These are the catastrophic effects of racism.

Forty years later, in the Nineties, these lessons not only remained unlearned, but the tragedy was repeated. For we witnessed, yet again, a growing trafficking in state-sanctioned hate and incitement, which in the Balkans and in Rwanda took us down the road to genocide.

And we are witnessing now, yet again, a state-sanctioned incitement to hate and genocide, whose epicenter is Ahmadinejad's Iran — and I distinguish President Ahmadinejad from the people of Iran, many of whom have themselves repudiated his remarks and who have themselves been the objects of mass domestic repression. For President Ahmadinejad denies the Nazi Holocaust as he incites to a Middle Eastern one — an assault on truth and on Jewish memory in its denial of the Holocaust; a violation of the prohibition against the “direct and public incitement to genocide” in the Genocide Convention; indeed, an assault on the very U.N. Charter, which prohibits such incitement and threat.

Let there be no mistakes about it: incitement to genocide is a crime in and of itself. Taking action to prevent it, as the Genocide Convention compels us, is not a policy option; it is an international legal obligation of the highest order. Ahmadinejad should not be the welcomed guest of the United Nations; for his violations, rather, he belongs in the docket of the accused.

**The third lesson** is that crimes of indifference and conspiracies of silence — the precursors of inaction — aided and abetted the genocide of European Jewry. The bystanders — the accomplices — made the Holocaust possible.

Moreover, we have witnessed an appalling indifference and inaction in our own day, leading to the unthinkable — ethnic cleansing in the Balkans — and unspeakable — the genocide in Rwanda. No one can say that we did not know; we knew, but we did not act.

Just as, today, we know but have yet to act to stop the genocide by attrition in Darfur, ignoring the lessons of history, betraying the people of Darfur, and mocking the Responsibility to Protect doctrine.

Again, as Elie Wiesel reminds us, “Indifference and inaction always mean coming down on the side of the victimizer, never on the side the victim.” Let there be no mistake: indifference in the face of evil is not only acquiescence with evil; it is complicity with evil itself.

**Fourth lesson:** If the 20<sup>th</sup> Century — symbolized by the Holocaust — was the age of atrocity, it was also the age of impunity. Few of the perpetrators were brought to justice; and so, just as there must be no sanctuary for hate, no refuge for bigotry, there must there be no base or sanctuary for these enemies of humankind. In this context, the establishment of the International Criminal Court must be seen as the most dramatic development in international criminal law since Nuremberg — to deter mass atrocity, to protect the victims, and to prosecute the perpetrators.

We should strongly support all efforts to bring the perpetrators of genocide to justice; and we must guard against the politicisation or subversion of the International Criminal Court — as when the historic judgment of the International Criminal Court to issue a first ever arrest warrant against a sitting Head of State, Sudanese President al-Bashir, is not only not enforced,

but is used by al-Bashir to further his criminality while the international community indulges his impunity.

**The fifth enduring lesson** of the Holocaust is that it was made possible not only because of the “bureaucratization of genocide,” as Robert Lifton put it, but because of the *trahison des clercs* — the complicity of the elites — physicians, church leaders, judges, lawyers, engineers, architects, educators, and the like. Holocaust crimes, then, were also the crimes of the Nuremberg elites.

Indeed, one only has to read Gerhard Muller's book on “Hitler's Justice” to appreciate the complicity and criminality of judges and lawyers; or to read Robert-Jan van Pelt's book on the architecture of Auschwitz, to be appalled by the minute involvement of engineers and architects in the design of death camps, and so on. Holocaust crimes, then, were also the crimes of the Nuremberg elites. As Elie Wiesel put it, “Cold-blooded murder and culture did not exclude each other. If the Holocaust proved anything, it is that a person can both love poems and kill children”. And so it is our responsibility to speak truth to power, and to hold power accountable to truth.

**The sixth lesson** concerns the vulnerability of the powerless and the powerlessness of the vulnerable, expressed in the triage of Nazi racial hygiene — the Sterilization Laws, the Nuremberg Race Laws, the Euthanasia Program — targeting those “whose lives were not worth living.”

It is revealing, as Professor Henry Friedlander points out in his work on “The Origins of Genocide”, that the first group targeted for killing were the Jewish disabled — the whole anchored in the science of death, the medicalization of ethnic cleansing, the sanitizing even of the vocabulary of destruction.

It is our responsibility, then, as *citoyens du monde* to give voice to the voiceless, to empower the powerless, be they the disabled, poor, elderly, women victims of violence, or a the brutalized child — the most vulnerable of the vulnerable. Indeed, perhaps the most important human rights lesson I learned was taught to me by my daughter, when she was 15 years of age, when she said: “Daddy, if you want to know the real test of human rights, always ask yourself, at any time, in any situation, in any part of the world, 'is it good for children? Is what is happening good for children?' That's the real test of human rights, Daddy.”

### **Conclusion**

May I close with a word to the survivors of the Holocaust, for you are the true heroes of humanity. You have witnessed and endured the worst of inhumanity, but somehow you found the courage to go on in the depths of their own humanity, rebuilding your lives as you rebuilt the communities amidst which you lived.

And so, together, we remember and pledge:

- that never again will we be indifferent to incitement and hate;
- never again will we be silent in the face of evil;
- never again will we indulge racism and anti-Semitism;
- never again will we ignore the plight of the vulnerable; and
- never again will we be indifferent in the face of mass atrocity and impunity.

For we must act against racism, hate, anti-Semitism, mass atrocity, injustice — against the crime of crimes whose name we should even shudder to mention — genocide — and always, always, against indifference, against being bystanders to injustice.

For in what we say, or, more importantly in what we do, we will be making a statement about ourselves as a people, we will be making a statement about ourselves as people. For in our day, more than ever, *qui s'excuse s'accuse* — whoever remains indifferent indicts themselves. “*Jamais plus*”.

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*Irwin Cotler is a Canadian Member of Parliament and Special Counsel in Human Rights and International Justice. A former Minister of Justice and Attorney General of Canada, he is Professor of Law (on leave) at McGill University.*

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