

Discussing Genocide at Bergen-Belsen | Opinion

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Opinion

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My visit earlier this month to the site of the Nazi concentration camp of Bergen-Belsen, in northern Germany, was nothing less than surreal.

At this very place during the final months of World War II, over 50,000 prisoners, most of them Jews, died of typhus, extreme malnutrition and other virulent diseases.

And now, on the occasion of the 77th anniversary of the liberation of Bergen-Belsen, those in attendance marked both the past as well as the victims of today's war crimes and crimes against humanity. As we remembered the physical and spiritual resilience of the Jewish survivors of Bergen-Belsen and the other Nazi death and concentration camps, we were acutely aware of the millions of Ukrainian refugees who today face a frightening, uncertain future.

To be sure, the Holocaust still casts a long shadow over the modern world. Its significance became even more clear during my trip because of the ongoing war in Ukraine and the debate that has ensued about whether events in Ukraine are, in fact, genocide.

Around the world, people think of genocide as the worst crime imaginable.

"The demons of history have returned," Poland's prime minister recently wrote in a guest essay in *The Economist*. "We are witnessing genocide again. In this environment, the West has acted like a frog in water brought gently to the boil. It has not reacted even as Russia has added heat."

President Joe Biden also has accused Russian President Vladimir Putin of committing genocide in Ukraine: The Russian president is "trying to wipe out the idea of even being Ukrainian."

And the International Criminal Court at The Hague has already opened a case, saying that there was "a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine."

Menachem Z. Rosensaft, one of the speakers at the Bergen-Belsen commemoration, was born in 1948 in the Belsen Displaced Persons camp and now teaches the law of genocide at Columbia University and Cornell University law schools. Rosensaft, uniquely qualified to speak on these matters, shared some of his thoughts with me as we walked past the mass graves.

"The concept has developed that if it's not a crime of genocide, then it's not as serious, which is ridiculous," said Rosensaft, who serves as the associate executive vice president and general counsel of the World Jewish Congress. "Does it matter if it's a crime against humanity and not genocide? ... We do not do the cause of justice any favors by minimizing the severity of crimes that do not follow the narrow legal definition of genocide."

In 1941, U.K. Prime Minister Winston Churchill called the killings by Nazi Germany a "crime without a name." It was only in 1944 that Raphael Lemkin, a Jewish lawyer, created the term "genocide," though a crime against humanity as first defined in the charter of the International Military Tribunal at Nuremberg is as equally heinous.



Pebble stones lie on a memorial stone on the grounds of the former Prisoner of War (POW) and concentration camp Bergen-Belsen, on March 18, 2020. RONNY HARTMANN/AFP via Getty Images

Genocide, as a legal term, is by definition narrow. It requires an "intent" to destroy in whole or in part a national, ethnic, religious or racial group. It cannot be a byproduct. Yet Rosensaft asked, "Does it matter? No one has ever said I feel better knowing that I am being killed because it's 'only' a crime against humanity and not genocide."

In 1945, prior to the International Military Tribunal at Nuremberg, there was no system for prosecuting either of these crimes under international law. More importantly, perhaps, there is one critical difference between the time of World War II and today. In his remarks at the Bergen-Belsen commemoration, Rosensaft said, "During the years of the Holocaust, with only a very few exceptions, the gates of the free world were closed to the persecuted Jews of Europe and parts of North Africa. Today, millions of Ukrainian refugees are received and welcomed, not turned away. If nothing else, this time, the world is not indifferent."

I asked Rosensaft, the just-elected chair of the advisory board of the foundation that oversees World War II memorial sites throughout Lower Saxony, why he returns to Bergen-Belsen year after year.

He invoked two people, one of them his father, who along with his mother survived Auschwitz-Birkenau and Bergen-Belsen and who headed the Jewish Committee of the Belsen DP camp and the Central Committee of Liberated Jews in the British Zone of Germany from 1945 until 1950.

"My father promised the dead buried in the mass graves here that he would never abandon them," Rosensaft said. "This responsibility is now mine."

Bergen-Belsen, therefore, symbolizes the Nazis' unimaginable horrors and reminds us that genocide and crimes against humanity have not altogether vanished, as is the case with Ukraine.

In our conversation, Rosensaft also invoked the Baal Shem Tov, the founder of Hasidism, who taught that remembrance is the secret of redemption.

"It is also the secret of prevention," Rosensaft added. "The mass graves of Belsen remind us that a critical part of our responsibility to the past is to do all in our power to try to prevent that past from becoming a gruesome reality yet again."

Heidi Kingstone is a journalist and foreign correspondent who has reported from global trouble spots including Sierra Leone, Darfur, Israel, Iraq and Afghanistan. She is the author of Dispatches from the Kabul Cafe (Advance Edition, 2014).

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