“Enemies of All Mankind”: Accountability for War Crimes, Crimes Against Humanity, and Grave Human Rights Abuses in U.S. Courts

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Abstract:

At the end of the Second World War, the Allied powers convened a series of international military tribunals to prosecute Nazi and Japanese officials responsible for the mass atrocities that occurred in both the European and Pacific theaters. International criminal law as we know it today was still in its infancy, and the legal language to describe the horrors of the Nazi extermination camps and the brutality of the Nanjing Massacre was still not fully developed. Yet from those trials emerged many of the core principles that form the foundation of international justice today – chief among them, the concept that there are certain crimes so serious, they are crimes against all the people of the world and the perpetrators of those crimes should be held accountable wherever they are found. We now have names for many of these crimes: genocide, crimes against humanity, torture. In the United States, a patchwork of laws makes it possible to hold perpetrators of these serious international crimes accountable in U.S. courts, regardless of where these crimes took place. This presentation will examine opportunities for international justice in U.S. courts, challenges faced by survivors and victims, and a practitioner’s perspective on investigating and litigating cases against “enemies of all mankind”.

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