

## **CHRISTIAN AXBOE NIELSEN**

*Disentangling Individual from Collective Guilt: The Paradox of Prosecuting and Memorializing Genocide and Other International Crimes*

The focus on individual criminal responsibility and individual guilt is one of the most important hallmarks of modern international criminal justice. From Nuremberg to the International Criminal Court, the international community seeks to identify and punish individual perpetrators in the hope that the spectacle and narratives produced by these trials will contribute to a cathartic process of coming to terms with the violent recent past (*Vergangenheitsbewältigung*). Yet the scope of episodes of mass violence, in which perpetrators and victims number in the tens or hundreds of thousands, dictates that international criminal trials will inevitably have a political and theatrical character in which the perception of collective guilt never lies far from the surface. The spectre of collective guilt crystallizes most clearly in trials of genocide, where the prosecution must explicitly prove the intention to destroy a protected group as such. Genocide trials must in the short term necessarily reinforce the very group “us versus them / perpetrators and victims” dichotomy that the international criminal process seeks to dispel in the long term. The consequences of these trials are reflected in political and public debates, as well as in cultural production related to the memorialization of mass violence. This talk seeks to explore this paradox, taking its point of departure in the wars of Yugoslav succession and the judicial process at the UN International Criminal Tribunal for the Former Yugoslavia.