

Exploring International Criminal Justice in Film

Written by Nicola-Ann Hardwick

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NICOLA-ANN HARDWICK, MAY 15 2015

A critical analysis of the meaning of justice in *Judgment at Nuremberg* and *Storm*

It is not easy to believe in unknowable justice.
W.H. Auden, Compline

Justice cannot be for one side alone, but must be for both.
Eleanor Roosevelt

International criminal justice is without doubt a difficult topic to address in film. Inherently a highly sensitive subject, it is extremely challenging to popularise for a wide audience, foremost in the home countries of those on trial. Whilst the Nuremberg trials provoked several motion picture responses, it appears that the more recent developments in international criminal justice, including the *ad hoc* tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), as well as the International Criminal Court (ICC) have so far enjoyed little cinematic attention. Yet, film is an important means of drawing attention to both the benchmarks and shortcomings of international criminal justice. Importantly, film can go further than raising awareness about war crimes and genocide, and those responsible therefore. Through the use of stories and characters, for example, film can shed a light on how certain events can mean different things in different circumstances and to different people. Accordingly, film can demonstrate how justice itself may have different meanings depending on the context of its interpretation. In doing so, film has the opportunity to make a meaningful contribution to the way the role of the “Other,” of those individuals the viewer would not normally identify with, is understood in international criminal trials. This paper aims to assess how effectively film can explore the “meaning of justice” in international criminal justice. To this end, it concentrates on two “case studies”, Stanley Kramer’s *Judgment at Nuremberg* (1961) based on the second round of the Nuremberg Trials in 1948 against mid-ranking Nazi officials, and Hans-Christian Schmid’s *Storm* (2009), focussing on the prosecution of a former Bosnian Serb Army Commander before the ICTY. These two movies are chosen for whilst they were aired almost half a century apart they both happen to be among the few films, which successfully address issues concerning international criminal tribunals. In addition, they both superbly demonstrate that the concept of justice is complex and that “doing justice” is by no means straightforward.

The paper begins with a brief analysis of the concept of justice and the importance of film in examining its different meanings in the context of international criminal trials. Then, it critically explores the various different aspects of justice portrayed in the two aforementioned films, respectively. Overall, it is argued that although film, as a representation of real or fictional events, inherently remains an oversimplification, it can reveal different nuances of the concept of justice, therefore prompting important and fundamental discussions about the problems of international criminal law, and the perception of the Other.

Film and the meaning of justice in international criminal justice

International criminal justice relies upon the assumption that there is, in fact, a basic universal consensus on what constitutes justice, or at least agreement on those crimes deemed so heinous they are considered unjust by human beings all around the world. Yet, despite the large-scale legal optimism in the mid-twentieth century, the success-rate of holding accountable those responsible for crimes against humanity, crimes of aggression, war crimes or genocide

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has been extremely low. Further criticisms such as “victor’s justice” or Western bias, very slow working methods, heavy politicization, a general lack of effective enforcement mechanisms, and the fact that some of the world’s most powerful countries, such as the USA, Russia, China, and India, have not ratified the Rome Statute, whilst many states that are members of the ICC fail to arrest fugitives,[1] have dimmed initial hopes that international criminal justice would serve as a real warning of what can happen to those, who commit terrible crimes. As one scholar notes, “[t]he traditional vision that international courts and tribunals do ‘good’ or create a better world through law is increasingly under question.”[2] Indeed, it appears that international criminal justice remains “in search of its ‘identity’” – paradoxically stemming from a liberal ideal, yet facing a world of ardent and brutal realism.[3]

It is interesting, therefore, to take a closer look at the concept of justice in general and in relation to international criminal law in particular. It is important to understand that “[c]onceptions of justice are largely socially constructed.”[4] Throughout the course of history, different societies have interpreted justice in various ways, and accordingly, meanings of justice have changed over time. One common approach dictates the rule of “eye for an eye.”[5] Others mark justice as “the interest of the stronger.”[6] Plato, on the other hand, perceives justice both as a human virtue within each individual’s soul, as well as a form of “social consciousness” striving for harmonious living and ultimate good.[7] In modern-day liberal societies, legal systems use “[a] commonly accepted concept of justice” as a foundation for judicial proceedings. [8] Judges and juries are entrusted with the authority to make decisions according to such generally accepted understandings of justice, by applying the law, developing precedent, and interpreting existing rules. The law seeks to maintain the supremacy of judicial interpretations over personal ones. It does so by strengthening its legitimacy through presenting its actions as phenomenological archetypes of justice, thus establishing an epistemological hierarchy between what occurs within and outside of the legal systems.[9]

This is not much different in international criminal law, except that the common principles of justice are generally limited to the most heinous of crimes, for in an international and inter-cultural context, general interpretations of the term may differ substantially. This can make it very difficult to determine what “just” behaviour means in a legal system, which adheres to a different definition of justice. Does an individual who follows higher orders or laws to commit serious crimes really act unjustly? Maybe the individual could not act differently under the circumstances without endangering herself or others. Even the law itself is ultimately just a social construct and therefore not always one hundred per cent objective. In such circumstances, how does one prove criminal intent? After all, fair trials must presume innocence. The individual might have acted justly according to the law, but have violated justice in a moral sense. International criminal justice holds that some crimes are indeed so inhumane that they cannot be committed under any circumstances. This rings of a type of Kantian morality; a categorical imperative. But even Immanuel Kant himself had trouble rationally explaining how such a moral principle for human conduct should be measured. Another central problem is that the verdict reached in courtrooms can be influenced by other factors: Justice can mean different things to different interest groups. It can be seen simply as a legal equilibrium, a form of punishment of those responsible for crimes, yet it can also serve the interests of those holding the trial, of those who have been wronged, or the purpose of political compromise between certain parties.

In a nutshell, the subject of justice and international criminal law is complex, multifaceted, and often paradoxical. This renders it very hard to portray in film. It is thus also not necessarily the easiest topic to popularise to reach a wide audience, especially in the home countries of those being tried (assuming the film is based on a real event), where such subjects are extremely sensitive and sometimes too fresh in the hearts and minds of the population to be discussed openly. As Osborn and Robson argue,

[w]hat matters for the audience is the contrast between the screen portrayal and the mythical qualities and idealism of law and lawyers as reflected in films. Because of the absence of real life encounters the benchmark is our popular culture experience in what law should stand for and what we would wish lawyers to be like.[10]

Audiences thus tend to prefer idealised versions of justice, yet international criminal law is far from perfect, although it does naturally represent a quest for a better world. At the same time, however, the complex nature of international criminal trials can serve as the basis of a very interesting and exciting storyline that sells *and* does more than show a one-sided mythical expression of justice.

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Inevitably, film as a representation of a real or fictitious event can never fully recreate the “truth,” especially regarding crimes as terrible as war crimes or genocide. Similarly, it is very difficult to fully portray the different meanings of justice in international criminal tribunals. As Jean-Francois Lyotard argues referring to the Holocaust, the horrors of genocide can never be adequately recreated in words or images.[11] In addition, as Baudrillard has noted, “[t]he more things you add to make things real, to achieve absolute realistic verisimilitude, perhaps the further you stray from the secret of cinema.”[12] Finding the right balance of images and words in dealing with an issue such as justice in international criminal law is never going to be easy. Nevertheless, if a film can demonstrate that justice is not a merely “black and white” matter, but one that goes beyond “good and evil,” it has already achieved something. Film can show the role of the Other, who experiences something differently, but not necessarily less truthfully. “The principal task,” as Emmanuel Levinas argues, “consists in thinking of the Other-in-the-Same (*l’Autre dans le Même*) without thinking of the Other (*l’Autre*) as another Same (*Même*).”[13] In this regard, film might not be able to lead to reconciliation, but it can make a first step towards that goal in being thought-provoking and encouraging the audience to think actively and critically.

Judgment at Nuremberg

Stanley Kramer’s *Judgment at Nuremberg* is a partly fictitious, partly historic, but very serious account of the moral and political dynamics of the second, less famous round of the Nuremberg trials, drawing its defendants from the ranks of middle-level management in Nazi Germany. The focus is on Ernst Janning (played by Burt Lancaster), an esteemed German jurist and one of the framers of the Weimar Constitution, corrupted by the antisemitic Nuremberg Laws of 1935. He is charged with crimes against humanity committed by the means of a perverted justice administration and tried for two categories of offences – the enforced sterilisation of political opponents for the pretended reason of mental instability, and the execution of a Jewish man on false evidence that he had had an affair with a young Aryan woman (Judy Garland).[14] The defence counsel Rolfe (the Oscar-winner Maximilian Schell) is the most virile and energetic character in the film, seeking to defend not only his client, but all Germans. Judge Haywood (Spencer Tracy), a small-town Republican and “incarnation of American decency” is put in charge of the inquiry and becomes obsessed about finding out the motives behind Janning’s actions.[15] During his stay in Nuremberg, Judge Haywood lives in the house of a former German general, executed for war crimes. By coincidence, he becomes rather infatuated with the general’s widow (Marlene Dietrich). In brief, the film goes further than merely accusing Nazi-party members of their terrible crimes. Indeed, it rather disturbingly shows a spark of humanity even in those individuals who have been involved in and/or are responsible for undeniably evil deeds. In fact, to some extent, everyone in the film is on trial, including the defendants, the prosecutors, the judges, the German people, the Allied nations, as well as the audience.

For a Hollywood production, Kramer, often dubbed the “king of the message movie,” does surprisingly well in portraying some of the underlying problems regarding such a controversial political topic.[16] Kramer’s main way of reaching out to a major audience was to stud the movie with celebrity actors: “Do you think United Artists wanted to make that thing about the trial? They weren’t interested at all in war guilt and those people in the ovens and crooked judges.”[17] Despite its old-fashioned style for a 1960s film,[18] the 186-minute screening, focussing mainly on the courtroom proceedings, manages to keep the viewer interested until the end, as if she were there herself. A mixture of fact and fiction, the film’s objective is not a precise recreation of the Nuremberg Trials. In fact, Telford Taylor, the US chief council for war crimes at Nuremberg, refused to serve as an advisor on set, as he perceived the script, and especially the role of the prosecutor, as over-dramatized. He received the following response from the studio:

[Y]ou will realize ... that the script is not meant to portray with historical accuracy ... the persons or events who were involved in ... the Nuremberg Trial[, R]ather ... to depict in a fictional manner the essence of what occurred at Nuremberg.[19]

Kramer’s ultimate goal was “to provoke an audience into thought” and as he put it himself, that’s already “a great deal.”[20]

Judgment at Nuremberg is a film about law and justice, as well as the mental processes of a lawyer. Crucially, Kramer escapes an oversimplification of these terms. A critical viewing of the film points to several different

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understandings of the concept of justice. Firstly, there is the legal definition of justice portrayed in the essence of the trial. This incorporates all the official proceedings, the courtroom, the defendants, lawyers and judges; adhering to the idea that those allegedly directly responsible for some of the worst crimes against humanity should be presumed innocent, fairly tried, and if found guilty, punished accordingly. In this sense, justice depends on a judicial process; on evidence and the interpretation of the law. Whilst this is the prevailing understanding of justice, at least in liberal societies, it is not perfect. Lack of evidence and certain interpretations of the law may make it very difficult, even impossible, to convict those responsible for atrocities. Moreover, the mere sentencing of Nazi officials, did not guarantee they would be punished accordingly, for most only served fairly short sentences.[21] On the other hand, this is the only way to ensure that the chances of convicting the wrong person are low. In the film, this view of justice is very closely linked to morality. It is portrayed by Judge Haywood's professionalism and strong moral conscience. Haywood adheres to his calling and sense of justice, ignoring the pressure of the German general's wife and a US senator to acquit Janning for the fear of antagonising the German people during the period of the Berlin Airlift, and of annoying the Soviet Union. The judge refrains from revealing his personal opinions and refuses to trade justice for political compromise. He admires Janning for his sharp legal brain, but at the same time shows contempt for his terrible crimes.[22] Out of professional courtesy, he does not bestow a parting benediction on Janning when he visits his cell after the trial.[23]

Nevertheless, reaching a verdict is not an easy process for Judge Haywood. One problematic issue is the interpretation of what it means to act justly. In the beginning, Janning's defence is that he was simply doing his job and applying the law; it was not his concern to make the law. *What else should he have done*, after all he was "merely" doing his job. Again, here justice is interrelated with morality, this time in a Kantian sense that following the rules is not enough, when one's conscience should tell one to do otherwise. Ernst Janning's character – a brilliant legal mind and seemingly honest man – makes this issue all the more interesting. How could he go along with Hitler and knowingly become involved in such a heinous scheme just to advance his own career? Haywood calls him a "tragic figure" whose "fate illuminates the trial's most shattering truth: the defendants aren't monsters. Under national crises, even extraordinary men can commit vast crimes." [24] Yet, it is not merely about Janning here. In repeatedly returning to the notion of collective guilt, the film shows that the entire German nation had a part to play. When Judge Haywood asks his house staff and the General's widow if they had been aware of what was happening to the Jews, they all deny any such knowledge. "As far as I can make out, no one in this country knew," he exclaims. Justice, in this sense, is far more than a courtroom phenomenon, but fundamentally depends on society, for genocide simply cannot occur without bystanders. Janning concludes, "[i]f there is to be any salvation for Germany, those of us who know our guilt must admit it, no matter what the cost in pain and humiliation."

The issue of guilt is complex and does not only affect the defendants or the Germans as a whole. Indeed, the defence counsel Rolfe in his attempt to defend not only Janning, but the German people, draws implicit parallels between Nazi Germany and the United States in his speeches. Referring to the bombings of Dresden, Hiroshima, and Nagasaki, he cries: "Thousands and thousands of burnt bodies! Women and children! Is that their superior morality?" He also compares forced sterilization under Hitler's regime to a sterilization law concerning those deemed "mentally ill" in Virginia. Such reasoning is often brought up by those trying to downplay the atrocities committed by the Nazis, and quite simply the examples mentioned cannot compare to the Holocaust, the systematic attempt to wipe out all European Jews and various other minorities, leading to the murder of around six million human beings. Still, Rolfe's argument does have a point, showing that those outside Germany have their own measure of guilt as well. After all, the rest of the world was also a bystander, letting Hitler get on with what he was doing for a very long time. At the time of the film's airing, American leaders were involved in an arms race with the Soviet Union, and segregation was still the norm. Ordinary citizens passively acquiesced to such destructive and inhumane government actions. Furthermore, the Nuremberg and Tokyo Trials quite obviously represented a "victor's justice." As Walzer argues, in the case of Nazi Germany, the victors were responsible for reconstructing society, for in his view, a genocidal state has lost the "moral personality" of "normal" states.[25] Yet, had universal principles and ideals of justice been followed, then war crimes such as Dresden, Hiroshima, and Nagasaki should have been brought before trials as well. Rolfe's message is clear and, quite frankly, deeply troubling: "Who among us may judge others; who among us is so innocent that we are . . . sure of the guilty?"

Storm

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Hans-Chirstian Schmid's political thriller *Storm* explores the effectiveness of the ICTY in dealing with the fictional prosecution of Goran Đurić (played by Drazen Kühn), a former Bosnian Serb Army commander charged with ethnic cleansing of Bosnian Muslims in a town called Kazmak at the start of the war. It appears that the film is based on the trial of the former Bosnian Serb leader Radovan Karadzic in The Hague.[26] Đurić's case seems to be closing, but is suddenly reanimated when the prosecution's witness, Alen Hajdarevic (Kresimir Mikic), commits suicide, after evidence is found that he lied about events critical to the charges against the defendant. The tough-talking ICTY prosecutor Hannah Maynard (Kerry Fox), responsible for seeking a conclusion of the case, is determined not to take the blame for other's failures. She travels to Bosnia, where she contacts Mira Arendt (Anamaria Marinca), Alen's sister, who lives in Berlin with her husband and son. Reluctantly, Mira tells Hannah about the previous Bosnian Serb Army headquarters in a hotel, and later reveals that she was held in a rape camp there (Vilina Kosa), run by Đurić himself. Hannah convinces Mira to testify against Đurić at the ICTY. Yet, back in The Hague, Hannah faces the Tribunal's bureaucracy and "justice for convenience", as it refuses the introduction of the Vilina Kosa crimes that could delay its completion strategy and prolong political negotiations with Bosnia and Herzegovina and a convoluted compromise with the Republika Srpska. However, Hannah is confident that Mira is "a women who needs to be heard" who must "tell her story." Therefore, she decides to defy agreed procedure in the courtroom and prompts Mira to expose the full story of Đurić's crimes in Vilina Kosa.

Schmid's creation places the paradox between idealism and realism in the forefront, focusing on Hannah's internal struggles between her devotion to achieving justice, her needing to follow the Court's rules in order to keep her job, and the male-dominated dealings of international diplomacy she finds herself involved in.[27] Schmid himself notes, that she is

a woman for whom the fulfilment of duties had been the highest priority for years, who all of a sudden finds herself an outsider because of her persistence; who is confronted with the fact that a system, which she had always believed in and passionately supported, turns against her.[28]

This provides a character that the viewer can identify with, an idealist standing up for justice in a highly bureaucratized environment. *Storm* is an exciting thriller, shifting between the personal and the political, although, as one critic notes, it "does have a few rough edges in its relationship to historical and political realities." [29] Thus, it is unlikely that the existence of a rape camp as big as Vilina Kosa would remain unknown to the Court for such a long time. The movie is "unambiguous about [Đurić's] presumed guilt." [30] Moreover, it gives a rather unflattering account of the ICTY's proceedings. All in all, however, Schmid succeeds in producing a serious and exciting narrative of the complex methods of an institution like the ICTY, which he manages to wrap into only 105 minutes.[31] The message is clear; the workings of international criminal justice can be less than satisfactory, indeed frustrating and "unjust." At one point Mira bursts out: "What kind of court is this? What the hell is it actually for?" Nonetheless, partial justice remains better than none.[32]

Apart from pointing to how the complex internal dynamics of the ICTY influence the way in which justice "is done", the film uncovers the meaning of "victim's justice". Mira has attempted to suppress all her emotions about the war and the violence committed against her. Not being able to speak about her horrific experiences to anybody (rather unrealistically, she never even told her husband about the rape camp); she remains deeply troubled inside. Although, at first, she is extremely afraid of serving as a witness at the trial, she realises how important this task is for her, to finally be able to make peace with herself about the past events that have haunted her mind ever since they occurred. Indeed, the act of speaking up and telling her account of the war, *her truth*, is part of achieving justice for her, even if no punishment in the world could proportionately represent the crimes committed against her. As Mira learns that she will not be able to testify to these events, she crumbles. All Hannah's colleague has to say in this situation is "she's not the first witness to feel a bit hard done by by this Court and she won't be the last. It's not meant to be fucking therapy."

Schmid presents "an international judicial system that is failing its fundamental mission, getting lost in politics and bureaucracy." [33] There is ample reason for such criticism, after all the Tribunal's sentencing policy, its errors and failures in courtesy regarding the treatment of victims and witnesses, the issue of not being very well received on the ground in former Yugoslavian countries, and its dubious contribution to a long-lasting reconciliation in the region have

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been much discussed by academic literature.[34] Still, Schmid's portrayal of the ICTY is perhaps a little too harsh and one-sided – the Court's task was by no means an easy one, and its record is not merely scarred. As Philips remarks, the ICTY is "highly imperfect, sometimes stumbling, often inadequate, and yet arguably indispensable." [35] For example, "the ICTY (has) delivered several landmark decisions expanding the understanding of sexual violence under international law." [36] According to the Court's own history to-date, it has charged more than seventy persons with "crimes of sexual violence including sexual assault and rape," having convicted almost thirty as of early 2011." [37] In this regard, Schmid's account could have been more nuanced.

Analysis and Conclusions

Despite being aired almost fifty years apart, created in different countries and focussing on two very different conflicts, there are strong parallels between *Judgment at Nuremberg* and *Storm*. Both motion pictures are fiction, but based on real events. Moreover, both films are shot in a semi-documentary style, which leads the viewer to believe that the events shown are indeed real. Regarding the content, the films show that over half a century after the dawn of international criminal justice, it has made some leaps forward, for example by no longer merely representing "victor's justice", but a United Nations mandate, and broadening the definition of crimes against humanity to including sexual violence as a weapon of war. Nevertheless, it remains an inherently flawed system, lacking the power and influence to implement the same standards on a global scale. The major problems of retributive justice persist. There is no straightforward way of convicting those responsible for atrocious war crimes in a trial that depends on the demonstration of facts and evidence, which can be extremely hard to come by. Hence, essentially, those who have been wronged have little to hope for. However, punishing the most high-ranking officials responsible for heinous crimes is at least something. Both films also hint at the problem that it is very difficult for those, who experienced war, to identify with post-war international tribunals.

Each movie idealises the notion of justice to some extent, and creates "hero" characters to keep the audience interested. In this regard, Judge Haywood corresponds to Hannah Maynard; both figures represent the struggle between idealism and following the rules of the system. Nonetheless, *Storm* does not quite compare to *Judgment of Nuremberg*, and it is unlikely that it will still be watched in fifty years time. Of course, in part, this is also due to substantial differences in popularity between Hollywood and the German film industry, and the fact that Kramer managed to appoint a celebrity cast. Yet, *Storm's* prelude, which shows Goran Đurić with his family, his character is simply not as interesting as Ernst Janning's. Throughout the trial, Đurić is depicted as stunched, hard and cold, showing no shed of humanity; the film leaves no doubt that he is, in fact, guilty as charged. Still, Kramer and Schmid succeed in engaging the viewers in a very complex, difficult, and serious topic, demonstrating that justice is not a straightforward, but rather a multi-faceted and multi-dimensional concept. Ultimately, the audience of these two films is confronted with the paradox of idealism, hoping to achieve a world in which law and justice rule, and the sad reality that since its very beginnings and until now, international criminal justice has made limited progress, yet remains inherently flawed. *Judgment of Nuremberg* and *Storm* touch upon some important aspects of justice, but there remain further problems to be examined in depth (perhaps in future films), for instance, the composition of the bench, which may often have a decisive impact on the verdict, the issue of majority decisions on what is perceived as the "correct" legal interpretation, and the possible negative effect that sentenced criminals may be seen as martyrs and heroes in their region (such as Ante Gotovina in Croatia). [38]

It is extremely difficult to tackle fundamental philosophical questions such as the meaning of justice and/or the institutional malaise of international criminal law, particularly in film. Nonetheless, the view taken here is that it is important to address such issues, both for the purpose of raising public awareness and for provoking audiences to think about current issues beyond what might be portrayed in the mainstream media – indeed, Kramer's goal to put the viewers' minds to work seems very wise. Films are inevitably mere representations of real events, and will therefore always range between oversimplification and pure fiction. This paper does not suggest that there should be any prescriptive formula for the making of films and documentaries on the topic of international criminal justice; of course, artistic freedom is important. Still, film producers and directors, who really want to create thought-provoking movies need to think carefully about the messages they send to the public when portraying such sensitive matters. Whilst there is a number of fairly recent documentaries, such as Judy Jackson's *In Search for International Justice* (2006), Pamela Yates' *The Reckoning: The Battle for the International Criminal Court* (2009), and Pamela Hogan's

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ground-breaking series *I Came To Testify* (2011) narrated by Matt Damon, addressing various different aspects of international criminal justice, there have been very few cinema films on international criminal tribunals other than Nuremberg. Perhaps most international criminal trials are still too recent, or even ongoing^[39] and thus too heated and controversial to bring to cinema. However, it does appear that there remains a gap that could be filled in this regard.

Notes

[1] For example, the Sudanese President Omar al-Bashir has been able to visit Kenya and several other African countries despite an outstanding ICC warrant for his arrest since 2009. See "Omar Hassan al-Bashir," *New York Times*, accessed January 2, 2014, http://topics.nytimes.com/top/reference/timestopics/people/b/omar_hassan_al_bashir/index.html.

[2] Carsten Stahn, "Between 'Faith' and 'Facts': By What Standards Should We Assess Criminal Justice," *Leiden Journal of International Law*, 25 (2012): 251.

[3] Ibid: 254.

[4] Shulamit Almog and Ely Aharonson, "Law as Film: Representing Justice in the Age of Moving Images," *Canadian Journal of Law & Technology*, 3(1) (2004): 3.

[5] See the Old Testament. Retributive justice is inherently problematic in this view. There is simply no way that the life-long sentence or even the death penalty of an individual can equate war crimes or genocide. However, the value of prosecuting such criminals is first and foremost a matter of principle. For a more detailed analysis see: Donald Bloxham and Devin O. Pendas, "Punishment as Prevention? The Politics of Punishing Génocidaires," in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses, (New York: Oxford University Press, 2010), 632.

[6] For example the ancient Greeks Thucydides and Thrasymachus took this approach.

[7] Plato, *The Republic*, tr. Desmond Lee (London: Penguin Books Ltd., 2nd edn, 2007).

[8] Almog and Aharonson, 1.

[9] Ibid.

[10] Guy Osborn and Peter Robson, *Film and the Law: The Cinema of Justice* (Oxford: Hart Publishing, 2nd edn, 2010), 123.

[11] Jean-Francois Lyotard, *Heidegger and "the jews,"* tr. by Andreas Michael and Mark Roberts (Minneapolis: University of Minnesota Press, 1990).

[12] Mike Gane, *Baudrillard Live: Selected Interviews* (London: Routledge, Chapman & Hall, 1993), 32.

[13] Emmanuel Levinas, *Of God Who Comes To Mind*, tr. by Bergo, B. (Stanford, CA: Stanford University Press, 2008), 80.

[14] Peter Benenson, "Judgment at Nuremberg: A Lawyer's Mind," *Quis Custodiet*, 9 (1962): 9.

[15] Thomas Doherty, "Judgment at Nuremberg," *Cineaste*, 30(2) (2005): 57.

[16] Henry Gonshak, "Does Judgment at Nuremberg Accurately Depict the Nazi War Crimes Trial?," *The Journal of American Culture*, 31(2) (2008): 154.

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[17] Cited in Judith E. Doneson, *The Holocaust in American Film*, (Philadelphia: The Jewish Publication Society, 1987), 97.

[18] It is shot in black and white and was not filmed *sur place* in Nuremberg, but rather on a sound stage in Southern California (see Gonshak, 155), sometimes featuring very basic background images of post-war Germany.

[19] Doneson, 103-104.

[20] Cited in Alan Mintz, *Popular Culture and the Shaping of Holocaust Memory in America* (Seattle: University of Washington Press, 2001), 93.

[21] Gonshak, 159.

[22] Benenson, 10.

[23] Doherty: 58.

[24] Quoted in Gonshak, 157.

[25] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic, 1992), 123.

[26] Stephen Holden, "Crime, Punishment and Painful Memories of Bosnia," *New York Times*, October 29, 2009, http://www.nytimes.com/2009/10/30/movies/30storm.html?_r=0.

[27] Brigitta B. Wagner, "New Paths for German Cinema," *Film Quarterly*, 62(4) (2009): 71.

[28] Film Movement, *Storm*, DVD notes: "Statement from director Hans-Christian Schmid," 2009.

[29] Brian Philips, "In the Land of Celebrity Humanitarianism: Reflections on Film and Transitional Justice in Bosnia-Herzegovina," *Studies in Social Justice*, 7(2) (2013): 298.

[30] Holden.

[31] Ibid.

[32] Ibid.

[33] Film Movement, *Storm*. DVD notes: "Why we selected this month's film," 2009.

[34] See Philips, 299.

[35] Ibid.

[36] Julie Mertus, "When adding women matters: Women's participation in the International Criminal Tribunal for the former Yugoslavia", *Seton Hall Law Review*, 38(4) (2008): 1318.

[37] "Crimes of sexual violence: Landmark cases," International Criminal Tribunal for the former Yugoslavia, accessed January 1, 2014, <http://www.icty.org/sid/10314>.

[38] The author would like to note a special thanks to Professor Neuhold for his comments on additional relevant aspects after reading the prospectus for this paper.

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[39] Such as the ICTR and trials of the ICC.

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Written by: Nicola Ann Hardwick

Written at: Diplomatic Academy of Vienna

Written for: Professor Hanspeter Neuhold & Professor Thomas Row

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