

**INTERNATIONAL HOLOCAUST REMEMBRANCE DAY: THE IMPACT OF THE HOLOCAUST  
ON THE DEVELOPMENT OF INTERNATIONAL LAW**

**The Hague, Peace Palace, 27 January 2020, 5.30 p.m.**

**Introductory remarks of Judge Abdulqawi A. Yusuf  
President of the International Court of Justice**

Excellencies,  
Distinguished guests  
Ladies and gentlemen,

1. I would like to extend a warm welcome to all of you, to the Peace Palace and to this important event dedicated to commemorating the Holocaust.

2. The UN General Assembly adopted on 1 November 2005 resolution 60/7 on Holocaust remembrance, which designated 27 January as an annual international day of commemoration in memory of the victims of the Holocaust. It is a day to, first and foremost, remember and honour the memory of the more than 6 million Jews and other minorities who were massacred and exterminated simply because they were “the Other”. Not because they committed a crime. Not because they harmed other human beings; but because they were who they were. They had a different religion or ethnicity.

3. It might be difficult for us to imagine that human beings would sit down and plan to exterminate millions of other human beings, simply because they were different. Yet, they did it. It might be difficult for us to imagine that State authorities would meticulously build gas chambers to hasten that extermination. Yet they did it. It might be difficult for us to imagine that all this was because of hatred and bigotry. Yet it was. That is why it is important to remember and not to forget.

4. In its Resolution, the General Assembly reaffirmed that the Holocaust will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice. That is the reason why we are here today to remember and not to forget.

5. Have we set aside the intolerance, prejudice and bigotry that led to the Holocaust? Have we lived up to the pledge that such an odious scourge should “never again” occur anywhere in the world? Unfortunately, the answer is no. And that is the reason why we should not only remember, but we should keep reminding ourselves “never again”.

6. We should keep reminding ourselves because the hatred and stigmatization of “the Other” keep re-emerging in various parts of the world. The denial of the right to existence of entire human groups, a denial which our Court said “shocks the conscience of humanity”, keeps rearing its head and in some instances being publicly proclaimed, to the shame of humanity.

7. It is indeed to the shame of humanity because the planned extermination of some of us in view of their ethnicity or religion does not only deny the humanity of the victims. It diminishes the humanity of those who do it and those who watch it being done. It dehumanizes both the executor and the silent spectator. As human beings, we should never tolerate the extermination of other human groups. We should never allow for the planning of genocide. We should fight prejudice and intolerance before they can grow into genocidal intent. We should not allow for hate speech to be

propagated with impunity. We should act against the precursors of genocide. We should not wait for it to happen before our very eyes. That is why it is important to remember the holocaust and to commemorate the victims of the holocaust.

8. To use the words of Holocaust survivor and Nobel Peace Prize Laureate Elie Wiesel: “How does one mourn for six million people who died? How many candles does one light? How many prayers does one recite? Do we know how to remember the victims, their solitude, their helplessness? They left without a trace, and we are their trace.”

9. We are indeed the trace of their unfulfilled dreams, stymied ambitions, and lost potential to contribute to the betterment of our world. It is only through our actions that we can truly honour their memory. Regrettably, however, I cannot say that we have been fully up to the task.

10. Despite the adoption of the Genocide Convention, which was meant to prevent genocide already in 1948, we find ourselves establishing tribunals, after the facts, to prosecute those who have committed genocide in the Balkans or in Rwanda. We have also had before the ICJ cases concerning the Genocide Convention. Only last week, the Court issued an order on provisional measures for the protection of the Rohingya in Myanmar following allegations of genocide by the Gambia.

11. In Africa, the Constitutive Act of the African Union authorizes the Union to intervene in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity. There is no doubt that this constitutes significant progress in a continent bedevilled lately by internal conflicts. However, we still have to see the actual use of this right by the African Union in order to save the lives of those who risk becoming victims of hatred and prejudice in their own countries.

12. This means that the observance and enforcement of the legal instruments adopted at the international level is of primordial importance. Education is equally paramount, for it is ignorance that breeds intolerance and prejudice. To paraphrase that famous sentence in the Constitution of UNESCO, the defences of humanity against bigotry, prejudice and racism, and for peace among peoples and nations, must be constructed in the minds of men. Remembering the Holocaust is part and parcel of that education and of those defences. We cannot afford to forget what happened. Remembering the Holocaust means reaffirming our humanity in the face of the inhumanity that took place in Auschwitz and other concentration and extermination camps.

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