

# COMBATING IMPUNITY FOR INTERNATIONAL CRIMES

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During the twentieth century, the world has witnessed more than 250 conflicts of different types, resulting in an estimated 75 to 170 million persons killed. Moreover, massive victimization has resulted from the conduct of both State and non-State actors engaging in policies of extra-judicial execution, torture, rape, and other atrocities in violation of international humanitarian law and international human rights law norms. Yet, in most of these cases, the perpetrators of these crimes have benefited from impunity because of political considerations. The world community thus has forsaken its post-World War II pledge, "never again."

Impunity, at both the international and national levels, is due to the conflicting goals of *realpolitik* and justice. In other words, the policies and practices of accommodation in the pursuit of political settlement conflict with legal accountability in the pursuit of retributive and restorative justice.

*Realpolitik* reflects the pursuit of political settlements for conflicts through a compromise that is unencumbered by moral and ethical limitations. In general, these settlements forsake the interests of justice, and particularly the interests of the conflict's victims, in favor of achieving expedient political ends. In contrast, accountability embodies the goals of retributive and restorative justice. It seeks to achieve peace and reconciliation, to prevent the recurrence of conflict, to bring closure to a conflict, to establish a record of truth, to sanction those responsible, and to provide redress to victims.

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Throughout history, societies have resorted to the institutionalization of criminal justice as a means to achieve public order insofar as that type of justice removes the need for individual vengeance and avoids a continuing cycle of violence. Experience also reveals that punishment is a deterrent, provided that the chances for successful prosecution and conviction are high and that the penalty is more costly to the perpetrator than the benefit of committing the crime. Therefore, the pursuit of justice through retributive means can achieve deterrence and secure prevention. The various modalities for achieving justice and accountability include international or domestic criminal prosecutions, truth commissions, civil claims for damages, and lustration laws (preventing an offender from holding public office). Different situations obviously require different modalities in order to achieve these goals.

The pursuit of *realpolitik* through political accommodation without accountability may settle the more immediate problems, but, as history reveals, it is frequently at the expense of long-term peace, stability, and reconciliation. These long-term goals are not met because of the failure to bring conflicts between people to closure, even after establishing the truth, providing retributive justice to the most serious perpetrators, and offering redress to victims. Indeed, peace is not merely the absence of armed conflict. It is the restoration of justice, and the resort to the rule of law to mediate and resolve inter-social and inter-personal conflicts. The pursuit of justice and accountability, it is believed, fulfills fundamental human values, helps achieve peace and reconciliation, and contributes to the prevention and deterrence of future conflicts. Thus, to sacrifice justice and accountability for the immediacy of *realpolitik* and accommodation is to choose expedience over lasting goals and more enduring values.

The conflict between *realpolitik* and justice seldom takes a publicly visible form. Instead, it is concealed from the general public, and for that matter from all but a few, in processes and formalities designed to obfuscate the truth, to introduce weaknesses in legal norms and legal institutions in order to control them, and to manipulate public perceptions. Thus, among the techniques of *realpoliticians*—if they cannot avoid the adoption of a legal norm that would hamper their purposes—is to neutralize the legal norm by preventing its clarity so that the application of the norm remains in doubt. Another way to

achieve *realpolitik* goals is to create legal institutions whose mandates are to administer justice, and then, depending upon the political end to be achieved, to impose bureaucratic or financial constraints that could render them either ineffective or only marginally effective.

An example of these techniques arose after World War I in connection with the peace treaties between the Allies and both Germany and Turkey. Initially, with respect to the Germans, the 1919 Treaty of Versailles (the "Treaty") provided for two extraordinary developments in international criminal accountability. First, the Treaty established a legal basis to prosecute the Kaiser of Germany for initiating what we would call today a war of aggression. Second, the Treaty provided for the prosecution of German military personnel for war crimes. As to the first development, the drafters of the relevant article in the Treaty, Article 227, defined the crime for which the Kaiser was to stand trial as a "supreme offence against international morality and the sanctity of treaties." The crime was phrased in such vague political terms that it allowed the Netherlands to give political asylum to the Kaiser on the grounds that no such crime, as defined in Article 227, existed. Thus, his purported prosecution was prevented. However, even if the Kaiser would have been prosecuted, his defense could have been that such a legal norm could not constitute a crime under the "principles of legality" of all the world's major legal systems. In fact, the drafters probably never intended to prosecute the Kaiser. The British drafters of the definition were not eager to prosecute a crowned head, particularly when the family lineage of that crowned head was related to their own monarchy. The example of Article 227 evidences that when a norm is purposely drafted to be ambiguous, it prevents that norm from being applied effectively, and it ultimately results in impunity.

The only attempt to apprehend the Kaiser has become a small footnote in history, whose authenticity is not easily verifiable. As the Kaiser lived in a Dutch chateau, the world media, particularly the French and Belgian newspapers, printed daily headlines about the Kaiser's presence in the Netherlands. The Kaiser's chateau was about forty kilometers away from the border of Belgium, where a portion of the United States Rainbow Division was stationed. One day, believing the media's frustrated and angry reports about the Kaiser's avoidance of capture, a lieutenant colonel from Texas gathered a few of his

men, crossed the forty kilometers into the Netherlands in two Model-T trucks, and made his way to the Kaiser's chateau. There he found a few Dutch officers, who pointed out the Kaiser taking a walk in the garden. The lieutenant colonel entered the garden and announced that he was placing the Kaiser under arrest, at which time a Dutch and a British officer came running over. The lieutenant colonel was very surprised to see the British officer, who was supposed to be an ally. To the astonishment of the United States officer, the British officer replied that he was the liaison to the Kaiser and proceeded to convince the lieutenant colonel to wait for higher orders. About two hours later, a United States colonel and a British brigadier arrived. They promptly convinced the lieutenant colonel to leave with his men, and the next day he was sent back home with an honorable discharge. That scenario, if the reported story is true, was the end of all efforts to secure the arrest of the Kaiser. Nobody spoke of it again, and the Allies were happy to leave the impression that the Kaiser's prosecution was prevented by the Netherlands's grant of asylum.

The effort to enforce the second development in international criminal accountability, the prosecution of German war criminals, began with the work of the Commission on the Responsibilities of the Authors of the War and on Enforcement of Penalties (the "1919 Commission"), established by the victorious Allies in 1919. The 1919 Commission's work was also compromised by political considerations. At first, the 1919 Commission investigated war crimes and compiled a list of some 20,000 people it believed should be prosecuted for war crimes. However, because it took so long to conduct the investigations leading to the formation of the list, the Allies lost their political zest for prosecution. Three years later, in 1922, the Allied governments still had not formed the tribunals they had committed themselves to establish in Articles 228 and 229 of the Treaty. In fact, they were ready to let bygones be bygones, even though in Europe, particularly in France, a few academics, intellectuals, and journalists continued to press for prosecution. That caused the Allied governments to pacify justice advocates by requesting that Germany prosecute the individuals identified by the 1919 Commission. The more interested Allied governments, such as those of Britain, France, and Belgium, conceded that the list had to be reduced, and settled for prosecution of 895 individuals instead of the original 20,000.

The German government, however, thought that 895 was too high a number, and after extensive political negotiations with Germany, the Allies dramatically reduced the number of prosecutions to forty-five. Of those forty-five individuals, only twenty-two were prosecuted by Germany in 1923. One of the more severe penalties resulting from these prosecutions was three years of imprisonment. That three-year sentence purported to punish one of the worst crimes in naval warfare history—a U-boat sank a hospital ship carrying approximately three hundred wounded and then surfaced to machine-gun the survivors found hanging to rafts on the high seas. By the time these prosecutions occurred, at the end of 1923, the passage of time had dampened the enthusiasm of justice proponents, and certainly the interest of Allied governments. The advocates of *realpolitik*, who saw justice then as they see it today, as at worst a nuisance and at best a tool to achieve their goals, saw the passage of time as an important ally to avoid prosecutions.

Another important and tragic development in international criminal accountability occurred during World War I. The 1919 Commission took cognizance of the fact that in 1915, Turkey, an ally of Germany, killed an estimated 250,000 to one million Armenians as part of an alleged policy of persecution against that ethnic group. Prior to the 1919 Commission's work on this matter, nothing in international legal norms contemplated individual criminal responsibility under international law for public officials and others who committed crimes against their own citizens. The 1919 Commission, however, found that the Preamble to the 1907 Hague Convention contained a reference to "the laws of humanity." The 1919 Commission concluded that the systematic killing of a civilian population pursuant to state policy, however tacit, violated the "laws of humanity," and that the Turkish officials, who had engaged in such acts, either by commission or omission, were to be charged with "crimes against the laws of humanity."

The United States and Japan opposed such a notion on the basis that it violated legal positivism, and issued a formal written dissent to that effect. Interestingly, however, the 1920 Treaty of Peace between the Allied Powers and Turkey, known as the Treaty of Sèvres, specifically provided for the prosecution of Turkish officials, many of whom were already in British custody and were being held in Malta. Because of the objections of the United States and Japan, however, the Treaty of

Sèvres was never ratified. Instead, it was replaced in 1923 by the Treaty of Lausanne, which contained an unpublished protocol guaranteeing amnesty to the very persons who were to be prosecuted under the Treaty of Sèvres.

The reason for this amnesty was the emergence of a new geopolitical reality that made Turkey, the former enemy, a necessary ally against the emerging power of the communist Soviet Union. Since the first line of Western defense against Russian communism was Turkey, the Allies could not afford to offend the sensitivities of Turkey's strong nationalism. In light of Turkey's emerging political importance, attempts at accountability were frustrated and impunity was achieved *de jure* by the unpublished protocol. Thus, justice for the victims of the Armenian killings was forsaken for the political compromise of *realpolitik*.

Only a few years later, in 1939, Adolf Hitler was speaking to his generals on the eve of the invasion of Poland and is reported to have asked, "Who now remembers the Armenians?" That comment encapsulated history's record of the neglect with which human tragedies had been dealt—tragedies that would repeat themselves in even more horrific terms during World War II.

The atrocities of World War II made it imperative to revisit the need to prosecute those who committed "crimes against humanity," as later described in Article 6(c) of the Nuremberg Charter. By the end of World War II, the United States departed from its 1919 opposition to "crimes against the laws of humanity," and led the Allied powers to define a new kind of crime: "crimes against humanity." It should be stated, however, that since the Nuremberg Charter there has never been a specialized international convention on "crimes against humanity." Fortunately, the Statute of the International Criminal Court (the "ICC") includes a progressive definition of that crime.

The post-World War II prosecutions, particularly the International Military Tribunal at Nuremberg (the "IMT") and the International Military Tribunal for the Far East at Tokyo (the "IMTFE"), constituted a major historic development in the establishment of individual criminal responsibility under international law. Heads of state were no longer given immunity, and the traditional defense of "obedience to superior orders" was eliminated in the Far East. However, due to political

considerations, the prosecution process differed in Europe and the Far East. In Germany, prosecutions were conducted not only before the IMT, but also before Allied tribunals in their respective zones of occupation and by German tribunals and other national tribunals elsewhere. In the Far East, however, there were no national Japanese prosecutions. Twenty-eight persons were tried before the IMTFE, and various military tribunals of the nineteen Allies tried some 5700 persons in various countries of the Far East. Most of these prosecutions ended in 1951, and in 1953 the Treaty of Peace with Japan was signed in San Francisco. However, prior to arriving in San Francisco, Japan successfully negotiated an agreement whereby all convicted Japanese prisoners were allowed to return to Tokyo and serve their sentences there. By the end of 1953, Japan had released almost all of the convicted prisoners, even though many of them had not finished serving their sentences. Most telling is the fact that, by 1954, two of the major war criminals convicted by the IMTFE became the Prime Minister and the Minister of Foreign Affairs of Japan. By that time, however, the United States had based its future Southeast Asia policy on Japan's stability and strength, and it was important that the Japanese not feel humiliated by the consequences of World War II. Indeed the Japanese, unlike the Germans, did not feel morally blameworthy for their deeds during World War II. Their culture also made them more susceptible to humiliation, and the United States was careful to avoid placing them in that situation. In return, Japan became a strong ally of the United States. Thus, political considerations overshadowed the need to provide effective accountability.

A contemporary example of impunity can be found in the 1994 invasion of Haiti, in which the United States restored the democratically-elected president following a bloody military *coup d'état* led by Haitian General Raoul Cedras. A few days before the United States invasion of Haiti in July of 1994, President Clinton had publicly accused General Cedras of being one of the worst offenders of "crimes against humanity" since World War II. Then, three days before the invasion, President Clinton asked former President Jimmy Carter and General Colin Powell to go to Haiti to talk to Cedras. After Carter and Powell had made an arrangement with Cedras, Powell appeared on television and stated that General Cedras was an honorable general who had agreed to leave Haiti peace-

fully. Indeed, Cedras left Haiti for Panama, after ordering his troops not to fire on incoming United States military personnel, which was the goal of the Carter-Powell visit. Awaiting Cedras in Panama was a villa and a periodic check in a Panamanian bank account, all of which is believed to have been arranged by General Manuel Noriega from his prison cell in Florida. This glaring example of impunity was the *quid pro quo* for insuring that Haitians acting under Cedras's orders would not kill American soldiers. Nevertheless, protests by the victims of the *coup* regime, demanding the return and trial of Cedras and other prominent military leaders responsible for the brutal repression, still occur weekly in Port-au-Prince. The impunity given to Cedras is not forgotten by the Haitians, and it is one of the causes of the lack of peace and stability on that island.

In the last two decades, the media consistently has relayed to an ever-widening world audience the numerous tragedies that have occurred in almost every region of the world. As means of communication expanded and more people acquired greater access to news information, the cumulative impact of reported conflicts and victimization reached such a point in world public opinion that it became difficult for governments to ignore accountability and to allow perpetrators to benefit from impunity. Even so, the efforts of *realpoliticians* to barter and compromise justice go on, and impunity is the carrot that they offer to leaders of conflicts who have committed terrible crimes, as a way of securing a political settlement.

The 1991–95 war in the former Yugoslavia is another example of bartering justice, and the ensuing atrocities in Kosovo further reflect that bartering. The atrocities occurring during the 1991–95 war were broadcast and published all over the world. This display may well have pushed world public opinion to the limits of its tolerance. As a result, world public opinion awakened and pressured the major powers to act. However, the United States was in an election year in 1992 and was unwilling to commit military personnel to what it considered a “European problem.” In addition, European countries were not yet sufficiently shamed by the “ethnic cleansing” that occurred on their continent to take decisive action, despite the precedent of decisive action during World War II. Thus, no military intervention occurred in the conflict. Worse yet, France and the United Kingdom had committed some 30,000 peacekeepers who turned out to be more exposed to danger than originally

thought. Consequently, the peacekeepers were, for all practical purposes, potentially vulnerable hostages, and that crippled France and the United Kingdom.

In the face of that political reality, there was nothing left but the hope of inducing the parties to accept a negotiated settlement. This state of affairs left the negotiators, mainly Lord David Owen, with very few bargaining chips. Political settlement would have to be achieved by the acquiescence of the weakest party to the conflict, namely Bosnia, in favor of Serbia and Croatia. The only thing that prevented such a settlement was the daily media coverage of ethnic cleansing, systematic rape, reports of torture, and the systematic destruction of personal and cultural property. Certainly, the last thing that Owen needed was a commission that would demonstrate the criminality of Serbian leaders, including Milosevic, and the victimization of the Bosnians. If that had happened, world public opinion would have clamored for accountability for the atrocities. Milosevic and other Serbian leaders would not, under these circumstances, agree to a negotiated settlement. Owen thought that equal moral blameworthiness was needed to achieve a climate that would convince the Bosnians to accept whatever the Serbians dictated, and to avoid focusing on the prospect of the prosecution of Serbian leaders. To show otherwise, namely that one side committed heinous crimes against the other, was an impediment to that *realpolitik* approach.

In October 1992, under pressure from the international civil society and at the behest of the United States, the Security Council of the United Nations established the Commission of Experts to Investigate the War Crimes and Other Violations of International Humanitarian Law in the Former Yugoslavia (the "Commission"). The Commission, which I had the honor of chairing, was given the broadest mandate of any commission since Nuremberg. Such a Commission, if it were to carry out its mandate to the fullest, would prevent the kind of political accommodation that rewards the perpetrators of crimes against humanity, war crimes, and perhaps even genocide.

This potentially powerful Commission was received with a mixed response. In order to insure that the Commission would not interfere with the ongoing peace negotiations, the United Nations did not give the Commission any resources to carry out its mandate of investigating violations of international humanitarian law and other crimes. Left to its own devices, the

Commission obtained external resources to conduct its investigations, with support from sources other than the United Nations. Even after overcoming the burden of inadequate resources, the Commission was further hampered by constant United Nations bureaucratic hurdles. The story of how the Commission overcame these hurdles is both extraordinary and, I believe, will one day be recognized as a major historic breakthrough. The Commission's thirty-nine field missions, including the largest mass rape investigation ever conducted, produced the longest Security Council report in history—some 3500 pages, backed by more than 65,000 documents and more than 300 hours of videotapes. The overwhelming evidence, and the Commission's interim report of February 1993, were among the reasons why the Security Council established the International Criminal Tribunal for the Former Yugoslavia (the "ICTY") in May 1993. The language of the Council's resolution establishing the tribunal reflected these reasons.

While the Commission was conducting its rape investigation in the former Yugoslavia, one prosecutor from Canada, who had volunteered to work on the investigation, came to me in tears and announced that she was quitting and leaving the next day. When I asked why, she told me the following story:

A man on crutches whose legs seemed to have been broken came over to see us yesterday. He presented himself as a Catholic Croat who lived in the Serb area of Sarajevo. He had married a Serb woman who was the widow of a Muslim from Sarajevo, and who had two beautiful teenaged daughters. After she and the man on crutches married, he moved to her apartment that was on the Serb side of town, and they opened a café with a soccer motif in the neighborhood, since he was a soccer player with the Croatian soccer team in Sarajevo. When the war broke out, his neighborhood became Serb-controlled, and the young thugs who joined the paramilitary and the police had free rein in their abuse of non-Serbs.

One day, a group of about a half a dozen young thugs who were soccer fans came over and hauled the man away from his café to the police station. They tied him up on the floor and started berating him because he won a championship for the Croatian soccer team against the Serb team. They then proceeded to take their rifle butts and break both of his legs so that he would never play soccer again. While he was laying there on the floor with two broken legs, the thugs went and got his wife and two daughters. They told

the wife in the presence of her husband and her two daughters that unless she did everything they wanted, they would rape the two girls. The mother, in order to protect her daughters, complied and submitted to degrading and humiliating sexual acts. Then when they were finished with her, they slit her throat.

While she was withering on the floor dying, they raped the two girls in the presence of their stepfather. Then, when they were finished raping them as they did their mother, they slit the throats of the two girls. Next, in perhaps the worst possible cruelty, they took the man and dumped him out in the streets so he would remember and serve as a living example of what could happen to others like himself and his family. The man came over to tell our team the story last night, and this morning I discovered that he had committed suicide during the night, leaving only the message: "I lived long enough to tell my story to someone in the hope that it will be told in the future."

Ever since that day, I have considered it my duty to convey the significance of this story around the world so that those tragic events of such a recent past are not easily forgotten, though alas, they so frequently are.

Even after the ICTY was established, few prosecutions occurred, because NATO forces were reluctant to apprehend indicted criminals for fear of retaliation. Major criminals like Karadzic and Mladic remain at large. Worse yet, Milosevic was given *de facto* immunity in exchange for his signature on the Dayton Accord in 1994. The result was not peace, and certainly not reconciliation, but a truce—a truce that was short-lived in light of the massacre by General Mladic of 7000 Bosnian men in Sreberncia in 1995, and the commencement of "ethnic cleansing" in Kosovo in 1998. In Kosovo, Milosevic was faced with military intervention, even though many atrocities had already been committed. The result was a tenuous indictment by the ICTY against Milosevic for ordering war crimes and crimes against humanity. I say tenuous because it is unlikely that such direct orders can be proven. Hopefully, the indictment will be amended to include criminal responsibility under "command responsibility," but until such time as this is done, Milosevic is only on notice because he may still be needed to prevent harm to NATO forces and to make yet another political settlement regarding Kosovo.

The establishment of the ICTY, nevertheless, broke down psychological, political, and legal barriers that existed against international criminal justice. Soon thereafter, the International Criminal Tribunal for Rwanda (the "ICTR") was established, and by that time, 1994, it was evident that political accommodation would not be devoid of all accountability. The battle, which previously pitted political accommodation against accountability, now focused on how political accommodation could co-opt accountability. For example, if there is a range of accountability measures, some milder than others—such as truth commissions as opposed to large scale national and international prosecutions—*realpoliticians* will co-opt the process of accountability by selecting the milder measure if it meets their political purposes in situations where a harsher measure is appropriate. One may say that in the case of genocide, the only accountability mechanism, particularly for the leaders, is prosecution. Thus, for *realpoliticians* to offer a truth commission or lustration law to "punish" the leader who ordered the commission of genocide is clearly a co-opting of accountability resulting in *de facto* impunity.

In other words, now that the advocates of *realpolitik* have realized that they can no longer eliminate justice from the political settlement equation, as was the case after World War I and II and so many cases thereafter, the danger is that justice will be co-opted, subverted, and used as a fig leaf to achieve accommodation. In other words, "*plus ça change plus c'est la même chose.*"

A concept of justice and a justice system have characterized every society throughout the thirty-five or so recorded civilizations over the past 40,000 years. This enduring presence evidences that justice is both a human and a social value. Thus, in the age of globalization, we can no longer exclude justice from our international legal system.

The establishment of the International Criminal Court is a step in the direction of providing international criminal justice. However, the ICC will not prevent injustice, conflicts, or crimes. It will neither end impunity nor will it consistently achieve justice. The ICC is merely an added means by which to achieve accountability. However, it is a necessary institution for the attainment of the goals of international criminal justice, and it should be viewed as an incremental contribution to the achievement of these goals.

The ICC must be effective, independent, fair, and impartial. Ultimately, this will depend on the political will of the member States. *Realpoliticians* will surely try to manipulate the ICC, as they do other international institutions, by limiting its effective administration, imposing financial controls, or frustrating the enforcement of its decisions. They will also try to bypass the ICC by the devise of amnesties as in the case of the proposed peace plan in Sierra Leone, where approximately 300,000 people have been killed in a cruel, inhumane conflict. In time, the ICC may rid itself of these manipulations, as certain governments and international civil society, hopefully, will assert their influence to ensure the ICC's effectiveness, independence, fairness, and impartiality. When the ICC attains this level, it will limit sharply the opportunities for impunity, though I suspect never entirely. As I stated in my speech at the July 18, 1998 signing ceremony of the Treaty in Rome:

The world will never be the same after the establishment of the international criminal court. Yesterday's adoption of the Final Act of the United Nations Diplomatic Conference and today's opening of the Convention for signature marks both the end of a historical process that started after World War I as well as the beginning of a new phase in the history of international criminal justice. The establishment of the ICC symbolizes and embodies certain fundamental values and expectations shared by all peoples of the world and is, therefore, a triumph for all peoples of the world.

The ICC reminds governments that *realpolitik*, which sacrifices justice at the altar of political settlements, is no longer accepted. It asserts that impunity for the perpetrators of "genocide," "crimes against humanity" and "war crimes" is no longer tolerated. In that respect it fulfils what Prophet Mohammad said, that "wrongs must be righted." It affirms that justice is an integral part of peace and thus reflects what Pope Paul VI once said, "If you want peace, work for justice." These values are clearly reflected in the ICC's Preamble.

The ICC will not be a panacea for all the ills of humankind. It will not eliminate conflicts, nor return victims to life, or restore survivors to their prior conditions of well-being and it will not bring all perpetrators of major crimes to justice. But it can help avoid some conflicts, prevent some victimization and bring to justice some of the perpetrators of these

crimes. In so doing, the ICC will strengthen world order and contribute to world peace and security. As such, the ICC, like other international and national legal institutions, will add its contribution to the humanization of our civilization.

The ICC also symbolizes human solidarity, for as John Donne so eloquently stated, "No man is an island, entire of itself; each man is a piece of the continent, a part of the main . . . Any man's death diminishes me because I am involved in mankind."

Lastly, the ICC will remind us not to forget these terrible crimes so that we can heed the admonishment so aptly recorded by George Santayana, that those who forget the lessons of the past are condemned to repeat their mistakes.

Ultimately, if the ICC saves but one life, as it is said in the *Talmud*, it will be as if it saved the whole of humanity.

From Versailles to Rwanda, and now to the "Treaty of Rome," many have arduously labored for the establishment of a system of international criminal justice. Today our generation proudly, yet humbly, passes that torch on to future generations. Thus, the long relay of history goes on, with each generation incrementally adding on to the accomplishments of its predecessors.

But today, I can say to those who brought about this historic result, the government delegates in Rome, those who preceded them in New York since 1995, the United Nations staff, members of the Legal Office, the non-governmental organizations and here in Rome the staff of the Italian Ministry of Foreign Affairs, what Winston Churchill once said about heroes of another time. "Never have so many, owed so much, to so few."