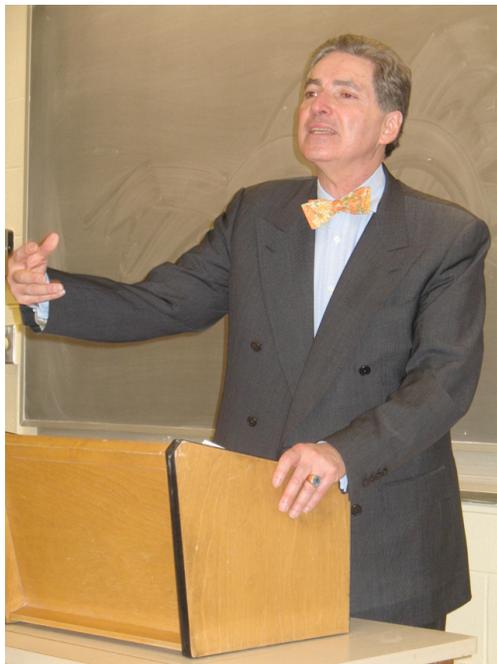


## The Expulsion of the Germans from East Prussia, Pomerania, Silesia, East Brandenburg, Bohemia, Moravia, Hungary and Yugoslavia 1945-48: a crime against humanity

By Prof. Dr. ALFRED de ZAYAS



More than four decades ago, as a high school student in Chicago, college student in New York and graduate student at the Harvard Graduate School of Arts and Sciences, I knew absolutely nothing about the expulsion of more than 14 million Germans at the end of World War II, nor of the death, caused directly and indirectly by this maelstrom, of more than two million of them<sup>1</sup>.

I first learned about this tragedy -- not in the various world history courses and European history seminars that I had attended -- but at a specialized workshop in international law and refugee law at Harvard Law School, led by the late Professor Richard Baxter. I was shocked. Not only by the magnitude of the suffering, but by the fact that my history teachers had evidently not considered it important to alert me to this chapter of 20<sup>th</sup> century history. Had they deliberately avoided the subject, and, if so, why? Nor had I ever read anything about the expulsion of the Germans in the press, never seen any documentary film, nor Hollywood drama based on it. And yet it was undoubtedly a hugely important event in the twentieth century that deserved serious study and reflection, particularly in institutions of higher learning. Without a doubt the subject matter provides hundreds of topics for history papers, master theses, doctoral dissertations, and post-doctoral research projects. As I came to realize, however, the subject was taboo.

Three decades later the phenomenon of forced population transfer<sup>2</sup> came back to haunt us with a vengeance – decades after the ex-

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<sup>1</sup> Statistisches Bundesamt, *Die deutschen Vertreibungsverluste*, Wiesbaden 1958. Gerhard Reichling, *Die Deutschen Vertriebenen in Zahlen*, Vol. I-2, Bonn, 1985-86.

<sup>2</sup> Alfred de Zayas «Forced Population Transfer» in *Max Planck Encyclopaedia of Public International Law*, Oxford University Press, Online 2010.

pulsion of the Germans -- in the form of what became known as “ethnic cleansing” in the former Yugoslavia.

I realized that the expulsion of the Germans had not only economic and demographic consequences, but also important ethical, legal, political, cultural, sociological, and psychological implications.

When I started looking for relevant books on the subject, I discovered the long forgotten essay *Our Threatened Values* by the British publisher and human rights activist Victor Gollancz. On page 96 of this book Gollancz wrote:

“If the conscience of mankind ever again becomes sensitive, these expulsions will be remembered to the undying shame of all who committed or connived at them... The Germans were expelled, not just with an absence of over-nice consideration, but with the very maximum of brutality”<sup>3</sup>.

The book was compelling and very troubling. I felt that Gollancz’s book should have been compulsory reading in every school. Of course, much more research still had to be conducted on the subject. I hoped that someone - better than me and with greater experience -- would take it up and write an interdisciplinary analysis of the expulsions, putting all the events into the proper historical, legal and ethical context.

One thing that particularly amazed me was the realization that we, the Allies, had fought a war against Hitler because of his criminal policies and his inhuman methods, and then, paradoxically, at the end of the war, we found ourselves enmeshed in policies that completely negated the noble principles of Wilson’s 14 Points, Roosevelt’s Four Freedoms, and the 1941 Allied Agreement known as the Atlantic Charter.

Thanks to a Fulbright Graduate Fellowship to Germany I was able to commence my studies on the subject. I met and interviewed hundreds of expellees from East Prussia, Pomerania, Silesia, East Brandenburg, Bohemia, Moravia, Hungary, Yugoslavia. I made an ef-

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<sup>3</sup> Victor Gollancz, *Our Threatened Values*, Gollancz, London 1946, p. 96.

fort to meet academic colleagues from Poland and Czechoslovakia since I wanted to know their views and engage them in dialogue, I wanted to hear all sides, see all the evidence, consider all perspectives, applying the old Latin maxim *Audiatur et altera pars* (hear all sides), that certainly applies not only to lawyers, but also to historians. Admittedly, I did not meet as many Poles and Czechs as I would have wanted, but I did meet many, learned much from them, and made an honest effort to read all the relevant literature to the extent that it was available in the languages that I could read English, French, Spanish and Russian.

I also carried out extensive research in the relevant archives in Germany, Switzerland, France, the Netherlands, Great Britain and the United States. I discovered many crucial and revealing documents that other historians somehow had either missed or ignored.

I interviewed key personalities who had lived through the period, including George F. Kennan at Princeton, James Riddleberger in Washington, who had been head of the German Department at the US Department of State in the relevant period, Sir Geoffrey Harrison (the author of the draft of article 13 of the Potsdam Communiqué on the so-called “transfer” of the Germans) in London, Sir Dennis Allen (the author of the draft of article 9 of the Potsdam Communiqué on the provisional Oder-Neisse frontier), and many other participants at the Potsdam Conference. Gradually I thought I understood what had happened and why it had happened.

By the end of 1976 the manuscript of my book “Nemesis at Potsdam” was finished. I chose the title “Nemesis” because of the Greek goddess of revenge. Needless to say, I rejected the morally corrupt doctrine of collective guilt. I did not accept the idea that revenge was in any way acceptable behaviour for civilized peoples and nations. But I was realistic enough to know that this unethical doctrine had, in fact, played a significant role in making the expulsions plausible or even palatable to many, and that in the decades following the war the concept of collective guilt had been politically instrumentalized to justify the expulsion and spoliation of millions of innocent human beings.

It was clear to me that because the Nazis had committed grave crimes during the war, there was no sympathy for the Germans in general.

The personal guilt of Hans Frank, Ernst Kaltenbrunner, Wilhelm Frick, Otto Ohlendorff and many others was established at the Nuremberg trials, and many government officials and military were found guilty of having committed war crimes and crimes against humanity. But why should the entire German people be treated as collectively guilty? Could we possibly hold all Russians collectively guilty for the crimes of Stalin? The Chinese for the crimes of Mao? The Cambodians for the crimes of Pol Pot? The Iraqis for the crimes of Saddam Hussein?

I conducted careful research into many aspects of the collective guilt paradigm. I looked for a nexus or causal link between the crimes of the German leaders and the expulsion of the German population of Central and Eastern Europe. In all the unpublished documents I consulted at the Public Record Office in London, at the US National Archives in Washington, including recently released documents of the US State Department and Department of the Army, in all the transcripts of the Conferences of Teheran, Yalta and Potsdam, NEVER, I repeat, never, was there a link made between the expulsion of the ethnic Germans and Nazi crimes.

The historical record reveals that the expulsions were not primarily a matter of punishment, but most certainly of reparations, natural resources, shifting of frontiers, and other geopolitical considerations. Only after the war – and even more so after German reunification in 1990 – has the legend of a causal link between Nazi crimes and the expulsion emerged.

Some of today's lesser historians, particularly in Germany, commit the freshman-year error *post hoc, ergo propter hoc*, or *cum hoc, ergo propter hoc* – meaning because A follows B, then B must be the cause of A, or because A and B happened in a generally related context, then either A caused B or B caused A. Obviously these are rather primitive logical fallacies. I should not think so little of German contemporary historians as not being aware of the fundamental rules of logic.

Nevertheless, this does not stop some of them from postulating a causal link between Nazi crimes and the expulsion. We read about the non implemented *Generalplan Ost*, which foresaw mass expulsions of Slavs from Russia and the Ukraine, we know that Hitler deported 650,000 Poles from the annexed *Warthegau* into the so-called *Generalgouvernement* in inner Poland. We are led to believe that the

Allies decided to expel millions of Germans as a direct consequence of these Hitlerian policies.

Now, had there been such a causal link, historians would have found the documents to prove it long ago. But there was no such link. There is, alas, a more recent political dimension to this historical aberration, because already since some twenty years the German government and media – CDU, SPD, FDP and Die Linke -- do not want to risk destabilizing relations with their Eastern neighbours by raising the spectre of the Second World War and its sequels, including the *Vertreibung*. Thus, they arrived at a schoolboy paradigm – they simply dump all responsibility on Hitler, including responsibility for the *Vertreibung*, as if Hitler had been the only player in this ghastly killing game. These pseudo-historians essentially absolve the Russians, the Poles, the Czechs, the Yugoslavs of any wrongdoing. This is, of course, historically untenable, because the political interests of all parties involved were at the very centre of negotiations at Teheran, Yalta and Potsdam –

THAT is what the documents tell us. But this trivialization of complex processes, this *Geschichtsklitterung* has actually been gaining ground, as it serves concrete political interests and is aimed no less than at providing a justification for the *Vertreibung* and turning the page without doing anything to rehabilitate the honour and reputation of the *Vertriebene*, without the least intent to offer them any kind of restitution or compensation for broken lives, two million deaths, the loss of a 700-year old homeland, and traumata that last to our days down to the succeeding generations. Alas, such is the miserable state of contemporary history writing on the expulsion of the Germans in Germany -- and in Austria. It reflects a breakdown in scholarly methodology and an alarming level of intellectual dishonesty. The fear of career disadvantages for stepping out of line plagues the approach to *Zeitgeschichte*

For any neutral observer, the fact remains that it was the more than 14 million Eastern Germans, whose ancestors had settled on the Baltic coast, in Silesia, in Bohemia in the 12<sup>th</sup> and 13<sup>th</sup> centuries, who were to suffer the most at the hands of their rapacious neighbors – not because of their personal conduct, but because of their status – because they were Germans in territories that the Allies had decided, in contravention of the principle of self-determination and the Atlantic Charter, simply to steal and give away to Poland and Czechoslovakia.

As euphemisms go, the expulsions, of course, were not supposed to be expulsions, but merely “transfers of population” , which were to take place in “orderly and humane” manner, if we believe the language of Article XIII of the Potsdam communiqué. Yet, as we know from 50,000 Erlebnisberichte in the Ostdokumentation of the *Bundesarchiv*, as we know from the confidential reports of British and American diplomats and members of the military government, the expulsions were worse than brutal. This was also the conclusion of the 1950 US Congressional Commission to investigate all aspects of the expulsion of the Germans and the monumental Walter Report of the US Congress.

General Dwight Eisenhower’s political advisor, Ambassador Robert Murphy, was a great American and a man of solid moral values. I had the honour of corresponding with him extensively and twice visiting him in New York. He delivered the preface for my book, *Nemesis at Potsdam*, observing in part:

“There is no doubt that many of us in the West were indifferent, or actually uninformed and casual about the flight of these millions of Germans. It was advertised that the transfers should be made under ‘humane’ conditions. There were no controls or authoritative supervision, so that the individual refugee had no recourse or protection. It is true that the United States State Department voiced proper regard for the humanities, but its voice was not vigorous or even heard in Eastern Europe at the time of the expulsion. Few Americans dreamt of a brutal expulsion affecting perhaps 16 million persons.”<sup>4</sup>

I was unable to interview General Eisenhower himself, who had already passed away in 1969, when I was still a young student at Harvard and knew nothing at all about the crime of the expulsion. But at the National Archives in Washington D.C. I discovered a revealing telegram by Eisenhower to the State Department, dated 18 October 1945:

“In Silesia, Polish administration and methods are causing a mass exodus westward of German inhabitants. ... Many unable to move are placed in camps on meagre rations and under poor sanitary conditions. Death and disease rate in camps extremely

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<sup>4</sup> Alfred de Zayas, *Nemesis at Potsdam*, Routledge, London 1977, p. xv (6th revised edition, Picton Press, Rockland Maine 2003).

high... Methods used by Poles definitely do not conform to Potsdam agreement. Breslau death rate increased tenfold and death rate reported to be 75% of all births. Typhoid, typhus, dysentery and diphtheria are spreading... serious danger of epidemic of such great proportion as to menace all Europe, including our troops, and probably of mass starvation on an unprecedented scale.”<sup>5</sup>

In this context it is important to recall that the deportations that the Third Reich had carried out during the Second World War were considered war crimes and crimes against humanity, as reflected in articles 6b and 6c of the Nuremberg indictment, and as confirmed in the Nuremberg judgment of 1946. Applying the same criteria used to judge the German officials at Nuremberg, the expulsion of the Eastern Germans by Poles, Czechs and Yugoslavs similarly constituted war crimes and crimes against humanity. Or do such deportations constitute crimes only if committed by one side, but not if they are committed by the other?

The question also arises whether the expulsion could also qualify as genocide? Article II of the 1948 Genocide Convention stipulates: / " genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ... “

Surely the expulsion of the Germans entailed the killing of hundreds of thousands of human beings, causing serious bodily and mental harm to members of the group, and deliberately inflicted on the group conditions of life calculated to bring about its physical destruction in whole or in part. For the lawyer the question that arises is that of “intent”. Several professors of international law, among them Professors Felix Ermacora, Dietrich Blumenwitz, Gilbert Gornig and myself, are convinced that aspects of the expulsion of the Germans do fall under article II of the Genocide Convention, and that the genocidal “intent” is provable. The orders and speeches of Polish and Czechoslovak political and military leaders in 1945 attest to this intent. Benes Decrees 12, 33 and 108 constitute pretty strong evidence

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<sup>5</sup> Alfred de Zayas, *A Terrible Revenge*, Palgrave/Macmillan, New York 2006, p. 115.

of genocidal intent. *A fortiori*, all the more so because these Decrees were implemented at a huge cost in human life.

It is also important to recall the 1992 United Nations General Assembly resolution 47/121 which described the policy of ethnic cleansing in the former Yugoslavia as constituting “a form of genocide”. Bearing in mind that the expulsion of the Germans was MUCH wider in scope and claimed many more lives than the Yugoslav ethnic cleansing, it becomes evident that at least certain aspects of the expulsion of the Germans can be referred to as genocide.

Moreover, the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice have both held that the Bosnian-Serb massacre perpetrated in Srebrenica against Bosnian-Muslims constituted genocide. Applying the same criteria, it would seem that many of the massacres of ethnic Germans – in Nemmersdorf, Metgethen, Marienburg, Brünn, Aussig, Postelberg, Rann, as well as the mass deaths in concentration camps such as Lamsdorff, Swientochlowice, Gakowo, and Rudolfsgnad would similarly qualify as manifestations of genocide.

Nor should we forget the fate of more than a million and a half ethnic Germans who were deported to slave labour in the Soviet Union, some 35% of whom perished of exhaustion, disease and malnutrition, according to the Red Cross statistics. These unfortunates were deported pursuant to the Allied agreement of 11 February 1945 at the Yalta Conference, signed by Winston Churchill, Franklin Delano Roosevelt and Joseph Stalin, stipulating that German labour constituted as they themselves called it, “reparations in kind”. Pursuant to this signed agreement more than a million and a half German civilians were deported indefinitely to forced labour camps.<sup>6</sup> This constituted an official approval of slavery in the 20<sup>th</sup> century, a disgrace just as grave and morally corrupt as the GULAGs described by Alexander Solzhenitsyn in his Nobel prize winning book *GULAG Archipelago*.

Of course, slave labour was not invented in the Soviet Union, nor was ethnic cleansing a Serbian phenomenon, nor was the Holo-

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<sup>6</sup> *Ibid.*, p. 85.

caust the only genocide in the long history of mankind. We all should bow our heads to the victims of all of these barbarities, but remember that there are many “unsung victims” that await a chance to tell their story. Surely the First Nations of the Americas, the indigenous populations of North and South America suffered genocide, the Armenians were subjected to many pogroms in the Ottoman Empire, especially toward the end of the nineteenth century, at the beginning of the twentieth century and eventually during the great genocide of 1915 to 1923. The Greeks of Pontos and Smyrna, the Assyrian Christians of the Ottoman Empire all were victims of genocide. The Kurds have suffered a consistent denial of their right to self-determination and have been the victims of countless massacres over one hundred years.

Alas, the denial of human rights, the pogroms and massacres did not end there. The Ukrainians suffered the *Golodomor* in the 1930s, a deliberate Soviet policy to decimate them through *Golod*, the great famine imposed on them by Stalin. Many European Powers committed gravest massacres against colonial peoples in Africa and Asia. And recently the internal wars in Africa have seen genocide unfold // not only in Rwanda, but also in Burundi, in the Democratic Republic of the Congo, in Liberia and Ivory Coast, against the Ibos of Biafra and against so many other unsung victims. The people of Cambodia suffered what might be termed *democide* under the Khmer Rouge. Nearly two million of them perished in the course of the killing fields. The list can be prolonged.

In addressing all of these tragedies, schools and universities should endeavour to analyze the commonalities of these crimes against humanity. In so doing, all should endeavour to identify common denominators so as to try to understand the root causes of the murderous behaviour. Indeed, at the source of all conflicts we find a fundamental absence of belief in the equal dignity of all human beings. In other words, the ethnic cleansing carried out by the Nazis, by the Czechs, by the Poles, by the Yugoslavs, by the Turks -- all reveal racism and religious hatred, based on generalizations, stereotypes, demonization and theories of collective guilt. All these savage policies deny the dignity and the individuality of the human person. Victims were victimized not because of their conduct but because of their status: The Jews were murdered because they were Jews; the Germans were murdered because they were Germans; the Bosnian-Muslims were murdered because they were Bosnian-Muslims; the

200,000 Greek-Cypriots of Northern Cyprus were expelled 1974 by Turkey from their 4 thousand year old homelands – just because they were Greek Cypriots and Orthodox; the Tutsis of Rwanda were murdered – just because they were Tutsis.

The first United Nations High Commissioner for Human Rights, Dr. Jose Ayala Lasso, devoted much of his term of office to advancing the over/arching principle of equality, including the equality in dignity of all victims. He was one of the first public figures to give the German expellees recognition as victims of gross violations of human rights. Already on 28 May 1995 he addressed the following statement to the German expellees assembled at the Paulskirche in Frankfurt am Main:

“I submit that if in the years following the Second World War the States had reflected more on the implications of the enforced flight and the expulsion of the Germans, today's demographic catastrophes, particularly those referred to as ‘ethnic cleansing’, would, perhaps, not have occurred to the same extent. In this context I should like to refer to the Charter of the German Expellees. It is good that men and women who have suffered injustice are prepared to break the vicious circle of revenge and reprisals and devote themselves in peaceful ways to seek the recognition of the right to the homeland and work toward reconstruction and integration in Europe. One day this peaceful approach will receive the recognition it deserves.

“There is no doubt that during the Nazi occupation the people of Central and Eastern Europe suffered enormous injustices that cannot be forgotten. Accordingly they had a legitimate claim for reparation. However, legitimate claims ought not to be enforced through collective punishment on the basis of general discrimination and without a determination of personal guilt. In the Nuremberg and Tokyo trials the crucial principle of personal responsibility for crimes was wisely applied. It is worthwhile to reread the Nuremberg protocols and judgment.”<sup>7</sup>

Again on 6 August 2005 the retired High Commissioner addressed the Expellees in Berlin, in the presence of Chancellor Angela Merkel, and said:

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<sup>7</sup> Ibid, p. 151.

“I believe that the example of the German expellees is particularly telling. While we acknowledge the magnitude of the expulsion and the sorrow over the loss of provinces that had been the homeland of Immanuel Kant, Arthur Schopenhauer, Johann Gottfried Herder, Joseph von Eichendorff, Gerhart Hauptmann and others, we must also recognize the considerable sacrifice made by the expellees in choosing the path of peaceful integration. We cannot but admire the moral fibre of these people, the wisdom of their leaders, who renounced any and all forms of violence, who decided to build a new homeland in the West, without, however, abandoning their love for their origins, for the landscapes where they grew up, the churches and temples where they worshiped, the cemeteries where their ancestors are buried.”<sup>8</sup>

It is in this human rights perspective that schools and universities should inform and teach about genocide and crimes against humanity, including the expulsion of the Germans. What is needed is a new human rights paradigm that recognizes that all victims of violence and injustice have a right to our compassion -- and to our time. We must reject the concept of politically correct victims, and those unfortunate non-consensus or unpopular victims whose suffering can be safely ignored.

Finally, we must agree that all victims have a right to truth, rehabilitation, reparation and reconciliation, *equally*, without any discrimination -- because all victims share the same *dignitas humana*. The United Nations General Assembly, the Commission on Human Rights, the new Human Rights Council all recognize the right to truth, the right to one's cultural heritage, the right to one's identity.

Discrimination among victims is not acceptable. Neither is competition among victims. We are all in the same boat. What we need is mutual respect and what the Germans call *Pietät*, and *Demut*.

Indeed, no moral person can accept the theory that the world is neatly divided into victims and perpetrators, into the good guys and the bad guys. Life is somewhat more complex than that. And we all know that victims can also become victimizers, that underdogs can

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<sup>8</sup> Ibid., p. 153.

become top-dogs and behave as cruelly as the top-dogs. History gives us plenty of examples.

We do need a change of perspective, because many victims of horrendous injustice are still being denied a hearing. The media just does not want to take them into account. I ask you to ponder on the following question – are we acting ethically, are we being fair when we devote attention exclusively to one category of victims at the expense of all the others? Does this constitute a form of negationism? Does this not entail the denial of the very real suffering of other victims? Does this not entail a form of aggression against the human dignity of these ignored victims? How can we justify our refusal to give them commensurate time and attention?

Let us therefore hear the indigenous victims of North America, let us here the Armenian victims, the Greek victims of Pontos and Smyrna, the victims of the hardly known Istanbul Pogrom of 6/7 September 1955 about which I wrote a long article in *Genocide Studies and Prevention*, published here by the University of Toronto. Let us hear the Greek-cypriot victims, the Ukrainian victims, the Kurdish victims, the Roma and Sinti, the Palestinian victims, the Sri Lankan victims, -- and, why not? --the German victims as well

There are many German expellees from East Prussia, Pomerania, Silesia, Bohemia, Yugoslavia who migrated to Canada and the United States and have become Canadian and American citizens. High schools and colleges should welcome them to their classes. There is much to learn from these “unsung victims”.

Education is a right – but also a responsibility. As Alexander Pope (1688-1744) observed in his *Essay on Criticism*:

A little learning is a dangerous thing  
drink deep, or taste not the Pierian spring;  
the shallow draughts intoxicate the brain,  
and drinking largely sobers us again. (Part ii. Lines 215-218)

Thus, ladies and gentlemen, I propose that all genocides be studied thoroughly, in the right historical, political and social context // and with human compassion. I propose that the expulsion of

the Germans be recognized as both a crime against humanity, and as a "form or genocide", as the General Assembly specifically defined the policy of ethnic cleansing to be.

Let us break the academic and media blackout on the expulsion of the Germans. Let us reject the attempts by Polish and Czech historians to trivialize the expulsion, or even to shift the blame on the Allies by referring to article XIII of the Potsdam Communiqué. The record shows without any room for doubt that the Western Allies did NOT want to condone the barbarity of the expulsion in its extent, in its timing and in the form of its execution. Article XIII of the Potsdam Communiqué was not a blank check nor a green light to the expelling States, but a moratorium on expulsions and an effort, albeit unsuccessful, to limit the harm, because by the time the Potsdam Conference started on 17 July 1945, already millions of Germans had been expelled from the old German provinces east of the Oder-Neisse and from the Bohemian and Moravian Sudetenland. The Western Allies were not the initiators of the idea, but they had to react in some way to the atrocities happening before their very eyes. Allow me to cite from Sir Geoffrey Harrison's revealing memo to the Foreign Office, dated 1 August 1945, one day before publication of the Potsdam communiqué:

“The Sub-Committee met three times, taking as a basis of discussion a draft which I circulated ... We had a great struggle which had to be taken up in the Plenary Meeting...The soviet member Sobolev took the view that the Polish and Czechoslovak wish to expel their German populations was the fulfilment of an historic mission which the Soviet government were unwilling to try to impede ...The American subcommittee member Cavendish Cannon and I naturally strongly opposed this view. We made it clear that we did not like the idea of mass transfers anyway. As however, we could not prevent them, we wished to ensure that they were carried out in as orderly and humane manner as possible.”<sup>9</sup>)

Similarly, US Secretary of State James Byrnes stated on 19 October 1945: “We recognized that certain transfers were unavoidable, but we did not intend at Potsdam to encourage or commit our-

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<sup>9</sup> Alfred de Zayas, *A Terrible Revenge*, p. 87.

selves to transfers in cases where other means of adjustment were practicable.”<sup>10</sup>

Let me recall a reflection by Eisenhower’s political advisor Robert Murphy, in a memo to the State Department dated 12 October 1945 :

“In the Lehrter Railroad Station in Berlin alone our medical authorities state an average of ten have been dying daily from exhaustion, malnutrition and illness. In viewing the distress and despair of these wretches, in smelling the odour of their filthy condition, the mind reverts instantly to Dachau and Buchenwald. Here is retribution on a large scale, but practiced not on the *Parteibonzen*, but on women and children, the poor, the infirm.

Knowledge that they are the victims of a harsh political decision carried out with the utmost ruthlessness and disregard for the humanities does not cushion the effect....

Now the situation is reversed. We find ourselves in the invidious position of being partners in this German enterprise and as partners inevitably sharing the responsibility. The United States does not control directly the Eastern Zone of Germany through which these helpless and bereft people march after eviction from their homes. The direct responsibility lies with the Provisional Polish Government and to a lesser extent with the Czech Government... As helpless as the United States may be to arrest a cruel and inhuman process which is continuing, it would seem that our Government could and should make its attitude as expressed at Potsdam unmistakably clear. It would be most unfortunate were the record to indicate that we are *particeps* to methods we have often condemned in other instances.”<sup>11</sup>

Ladies and gentlemen, to sum up let me underline that the expulsion of the Germans from Eastern Europe undoubtedly constituted a crime against humanity, as a matter of law, measured by the very principles and norms that we ourselves, the Allies, formulated and applied against the Germans at Nuremberg and other trials. Moreover, aspects of the *Vertreibung* certainly fall within the scope of article 2 of the Genocide Convention, notably the many massacres committed against helpless women, children and old men, the millions of

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<sup>10</sup> Alfred de Zayas, *Nemesis at Potsdam*, p. 80.

<sup>11</sup> *Ibid.*, p. 130.

rapes, the mass deaths in the internment camps of Poland, Czechoslovakia and Yugoslavia.

Bearing in mind that the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice have repeatedly held that the massacre of Srebrenica constituted genocide, then the mass deaths of Marienburg, Postelberg, Aussig, Brunn, Lamsdorf, Swientochlowice and Gakovo would also qualify as genocide. We must stop applying international law *à la carte*. Nor can we continue picking and choosing among the victims.

As a human rights activist for most of my life and expert by virtue of my decades-long association with the United Nations, let me appeal to your conscience, to your sense of justice, to your sense of proportion. We all know that there are manifold violations of human rights in all regions of the world. What worries me, however, is what seems to be a concerted effort by some to create legal black holes within human rights, to confuse the terminology, to instrumentalize human rights to destroy human rights, to create new concepts that are intended to erode the very fabric of human rights, by , for instance, postulating categories of victims with the intention to eventually disenfranchise entire groups.

If you accept that some victims are more important than others, what kind of human rights are you actually applying? Or are you not polluting the notion of human rights and denying the very essence of human dignity? When you hear the notion of "uniqueness", ask yourselves what that concept actually entails. If uniqueness means that the elements of a particular genocide are unique, this is frankly rather banal and does not mean much. Obviously the facts and circumstances of the Armenian genocide are unique, the clash of civilizations of the Europeans and First Nations of the Americas and the consequent decimation of the latter are unique, the facts and circumstances of the Holocaust are unique. But this concept of uniqueness can entail a serious violation of the fundamental norm of human dignity if you pretend that there is only one group of unique victims deserving of our attention, while we are at liberty to ignore all the others. This entails a corruption of the concept of victimhood and a separate and distinct violation of human rights. It is tantamount to negationism. If we allow only one category of victims, we are aggressing all the others, we are depriving them of their human dignity.

Und da so viele Deutsch-sprechenden heute abend im Saal sind, erlauben Sie mir ganz kurz folgendes in Deutsch zu formulieren: Es

geht um den Begriff der sog. Einzigartigkeit. Wenn Einzigartigkeit bedeutet, dass ein bestimmtes Geschehen einzigartig ist, ist diese Feststellung so ziemlich banal und selbstverstaendlich. Wenn es aber bedeuten sollte, dass , wenn ein bestimmter Völkermord als einzigartig eingestuft wird, dann die Opfer von anderen Völkermorde unerheblich sind, dann stellt dies eine vulgäre Verleugnung dar bzw. eine Art Negationismus des Leidens der anderen Opfer, und bedeutet ganz sicher eine schwere Verletzung der Menschenrechte anderer, die fraglos diesselbe Menschenwürde und denselben Anspruch auf Respekt besitzen. Einzigartigkeit ist eine geradezu unethische Wortschöpfung, ja eine menschenverachtende Wortschöpfung.

Ladies and gentlemen, to deny the Armenians, the Greeks, the Crimean Tatars, the Kurds, the Roma, the Palestinians, the Tamils, the Timorese their status as victims, to deny the Ukrainians the reality of the *Golodomor*, to deny the German expellees the status of victims constitutes in itself a violation of everyone's human dignity, also mine.

This, ladies and gentlemen, is nothing but primitive discrimination and unworthy of all of us. Negationism of the Armenian Genocide, of the Holocaust, of the horrors of the expulsion of Germans constitutes a grave violation of human rights.

Let us therefore make sure that the schools and universities give proper time and attention to these neglected victims, that education encompasses the over-arching principle of equality, and that education is henceforth based on a genuinely felt commitment to solidarity and human rights.

I thank you for your attention.

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