

## **Katyn: Justice Delayed or Justice Denied?**

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The legal analysis of the Katyń case has been visibly absent in most discussions and papers on Katyń. For example the Katyń Conference organized in the Library of Congress in May of 2010 in Washington, DC, did not address the legal qualification or any legal aspect of the Katyń crime.

The School of Law at Case Western Reserve University specializes in international criminal law and war crimes. The F. Cox International Law Center was formed in honor of Henry King, one of the Nuremberg prosecutors. Thanks to Henry King's legacy, the CWRU School of Law is one of the leading centers of contemporary international criminal law in the world and Prof. Michael Scharf is one of the foremost experts in the area of international criminal trials and tribunals. Thanks to the partnership between Libra Institute and Cox International Law Center of the CWRU School of Law, the Katyń Symposium attracted leading experts on the international criminal law, representatives from Poland and Russia, experts on Katyń, children of the Katyń victims, experts on civil representation of families of victims of mass atrocities, and representatives of the US Congress including representatives Dennis Kucinich and Marcy Kaptur and Senator Sherrod Brown.

Remarks made by US Ambassador for War Crime Issues Stephen Rapp, Prof. William Schabas, and Prof. David Crane at a panel session dedicated to the question whether Katyń constitutes a crime of genocide were of great significance. Two out of three leading experts on international criminal law concluded that Katyń could be classified as genocide. Prof. Schabas was skeptical as to the success of such qualification of the Katyń crime in the current political climate in Europe. The panel expressed concerns that political pressure must be taken into account when an attempt to classify Katyń as genocide is made. All panelists have agreed that Katyń qualifies as a crime against humanity and war crime.

On the second day of the Katyń Symposium an expert meeting took place. Civil liabilities as well as various means of restitution were discussed. An expert report will be published from this roundtable meeting that will address recommendations as to what steps should be undertaken in order to achieve genuine atonement and meaningful reconciliation in the Katyń case. A special issue of CWRU Journal of International Law dedicated to the Katyń crime will be published in 2012.

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