

INVISIBLE ATROCITIES

Invisible Atrocities assesses the role aesthetic factors play in shaping what forms of mass violence are viewed as international crimes. International criminal justice is, at its core, an anti-atrocity project. Yet just what an “atrocity” is remains undefined and undertheorized. This book examines how associations between atrocity commission and the production of horrific spectacles shape the processes through which international crimes are identified and conceptualized, leading to the foregrounding of certain forms of mass violence and the backgrounding or complete invisibilization of others. In doing so, it identifies various, seemingly banal, ways through which international crimes may be committed and demonstrates how the criminality of such forms of violence and abuse tends to be obfuscated. This book suggests that the failure to address these “invisible atrocities” represents a major flaw in the current international criminal justice system, one that produces a host of problematic repercussions and undermines the legal legitimacy of international criminal law itself.

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The Aesthetic Biases of International Criminal Justice

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Dedication: For Marquita and Amari

The cover of this book features a reproduction of Ceija Stojka's *Ohne Titel, Untitled, 15.3.2003*, which depicts the eyes of people in hiding. Stojka, a survivor of the World War II Roma Genocide, included text on the back of the original piece naming family members, referencing anxieties about food, and expressing fear of Nazi terror. The first lines of the text are especially relevant to the themes in this book. Translated into English, they read:

Auschwitz a place without fruit
Dear God where is the bread and sausage
Bread
And SAUSAGE
There was none of that in Auschwitz.¹

The focus on the lack of food helps crystallize the interconnectedness of various forms of oppression and violence, from the spectacular to the everyday, explored in this book. Combined with the striking image of obscured faces, hiding yet recognizable if we look closely, this emphasis on everyday experiences of atrocity violence encapsulates much of what I have tried to convey here: If only we were able to look more carefully, free from our aestheticized preconceptions regarding what “atrocity crimes” are, we may see certain overlooked forms of violence and oppression as potential international crimes. While Stojka herself was a survivor of perhaps the most paradigmatic atrocity of all – Nazi concentration camps – as a Roma woman, she was a member of a largely overlooked class of victims. The backgrounding of certain atrocities underscores the fact that, as individuals and societies, we choose what we see and how we interpret and prioritize harm and suffering. This book focuses on a subset

¹ Translation provided by the Ceija Stojka International Fund.

of other atrocity crimes that have remained largely obscured: those committed through means lacking the dramatic spectacles of violence associated with dominant social and legal understandings of atrocity and international crime. Ceija Stojka's art and her family's generosity in allowing its reproduction have provided me with an image I believe can help us to see and recognize how we often fail to see and recognize certain aesthetically unfamiliar atrocities, their victims, and their perpetrators. I thank the family again and Carina Kurta of the Ceija Stojka International Fund for entrusting me with this powerful image.

The thinking that led me to writing this book began during the time I spent between 2008 and 2012 at the Documentation Center of Cambodia (DC-Cam). In conversations with Youk Chhang, Anne Heindel, Dany Long, Savina Sirik, Soksreinith Ten, Farina So, Sokvisal Kimsroy, Vanthan Peoudara, Khamboly Dy, Terith Chy, and many others, and in engaging with survivors of the Khmer Rouge era, I became interested in questions related to international criminal law's relationship to everyday forms of violence and oppression. This interest and Anne's unfailing support and research guidance led me to explore these issues, especially in relation to famine and starvation, in greater depth, setting me on a path culminating in this book.

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