

LESSONS IN LEADERSHIP: CRIMINAL JUSTICE APPROACHES FOR PREVENTING MASS ATROCITIES

MODULE 4: Before Mass Atrocities: Criminal Justice Tools for Prevention



UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM



MODULE 4: BEFORE MASS ATROCITIES: CRIMINAL JUSTICE TOOLS FOR PREVENTION

This module builds on the themes, content, and discussions from Modules 1–3 to explore the intersections between the criminal justice professions and mass atrocity prevention. The focus is on the role of criminal justice professionals before mass atrocities take place.

The module draws on participants' expertise to identify and consider some of the tools and sources of resilience particular to the criminal justice field that can directly address mass atrocity risks and support prevention. It is meant to be run in combination with one of the two “deeper dive” sessions outlined in Module 5. In Module 5, participants will apply this knowledge either to tools that address the warning sign of dangerous speech or to the tool of community dialogues.

Guiding questions for this module

- What tools can criminal justice professionals use to reduce the risk of mass atrocities and build resilience?
- How does early warning analysis help create resilience against mass atrocities?

Module objectives

- Participants are able to relate the risk factors, warning signs, and triggers to their role as actors within the criminal justice system.
- Participants can identify tools, sources of resilience, and other opportunities within their sphere of influence for preventing mass atrocities.
- Participants can identify issues that surface before the onset of mass atrocities that are relevant for their work.

Module length: 30 minutes

SEGMENT	LENGTH
Introduction	5 minutes
Discussion of Criminal Justice Tools for Prevention	20 minutes
Conclusion	5 minutes

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Required materials

- Module #4 PowerPoint
- Module #4 Handout
- Chart paper

Further reading

- Key Resource: United States Holocaust Memorial Museum, [*Guide to Criminal Justice and Preventing Mass Atrocities*](#) (2023), Chapter 3
- Dangerous Speech Project, [*Dangerous Speech: A Practical Guide*](#) (April 19, 2021)
- Jacob Blaustein Institute for the Advancement of Human Rights, [*Manual on Human Rights and the Prevention of Genocide*](#) (2015)
- Straus, Scott. [*Fundamentals of Genocide and Mass Atrocity Prevention*](#), Chapter 6, “Tools and Approaches.” Washington, DC: United States Holocaust Memorial Museum, 2016.
- Report of the UN Secretary-General, [*Responsibility to Protect: State Responsibility and Prevention*](#) (2013)
- United Nations, [*Framework of Analysis for Atrocity Crimes: A Tool for Prevention*](#) (2014)
- United States Agency for International Development (USAID), [*Field Guide: Helping Prevent Mass Atrocities*](#) (2015)
- United States Agency for International Development (USAID), Freedom House, American Bar Association Rule of Law Initiative, Internews, and Global Rights, [*Preventing Atrocities: Five Key Primers*](#) (2014)

LESSON PLAN

Introduction (5 minutes)

Slides 1–2

Explain: “Through this course, our goal is to bring out the connections between the criminal justice system and mass atrocity prevention. When we think of mass atrocities and how they happen, we often think of leaders at the top (political leaders, military leaders, etc.).

“However, in the previous session, we considered how the criminal justice system can play a role in the process that leads up to mass atrocities and in perpetrating mass atrocities. We saw how the political and legal context shifted over the course of the 1930s, shaping a new environment in which police, prosecutors, and other members of the German criminal justice system eventually became willing participants in the persecution and mass murder of civilians and other noncombatants—including children, women, and men.

“This session builds on the past modules to further explore the intersections between the criminal justice professions and atrocity prevention. However, here we will consider the ways in which criminal justice professionals can play a frontline role in supporting prevention.

“In this session, we will:

- Discuss the relevance of risk factors, warning signs, and triggers for criminal justice professionals.
- Explore criminal justice tools for mass atrocity prevention and recognize potential sources of resilience within your domestic context. Sources of resilience are the factors that help avoid, mitigate, or counter risk.

“Our discussion in this session will draw on your experience and expertise to generate possible tools within your sphere of influence for prevention.”

Slide 3

Say: “In a previous session we discussed the common risk factors, warning signs, and triggers for mass atrocities. This table lists the common risk factors, corresponding prevention measures (often the inverse of risk factors), and some criminal justice prevention tools that can support these prevention measures and help reduce risk, depending on the context.

“You may already be familiar with or have used some of these tools, and may or may not have used them for the purpose of reducing atrocity risk.

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“In a moment, we will do an exercise that looks more closely at how a variety of criminal justice tools can address risk factors and prevention measures. For now, though, let’s look briefly at these tools.”
(Instructor can read off all or a selection of these tools and return to these descriptions in the discussion that accompanies the exercise that follows.)

- **Training in mass atrocity prevention**—what we are doing now—helps us apply an atrocity prevention lens to our work. It builds our understanding of what mass atrocities are, how to identify risks and warning signs, what tools might be helpful or available to help reduce risk, and what kinds of skills and mindsets we need to implement appropriate tools.
- **Early warning analysis** sharpens skills in evaluating risks and warning signs so we can share information, as well as develop and coordinate preventive approaches with other agencies or partners.
- **Community outreach or dialogues** open channels of communication and develop partnerships with stakeholders (such as women’s or youth groups, faith-based groups, traditional leaders, advocacy groups, or the business community) to help identify and resolve public safety concerns or conflicts. By learning citizens’ perspectives and building public trust, officials can evaluate risk and are better positioned for early prevention. Civilians are more willing to settle disputes lawfully. They can connect with points of contact, understand relevant laws and criminal justice roles, and break down us-them dynamics between the public and the criminal justice system.
- **Strengthened awareness of dangerous speech** means looking out for “any form of expression (speech, text, or images) that can increase the risk that its audience will condone or commit violence against members of another group.”¹ The targeted group could be any type of group, such as an ethnic or religious minority, or people defined by their professions, such as journalists, human rights defenders, or politicians, for example. Dangerous speech is “a warning sign and an instrument of group-targeted violence.”² By being more aware of dangerous speech and the risk of violence it could pose, criminal justice professionals can consider lawful strategies to deter related violence or improve protection for targeted groups.
- **Response to bias-motivated violence or hate crimes**—which are criminal offenses motivated by prejudice against the victim’s identity—is important because hate crimes can escalate and prompt retaliatory attacks. Inadequate responses to hate crimes can embolden exclusionary ideologies and signal that violence against the target group is acceptable. Responding promptly and sensitively to bias-motivated violence supports healing for the targeted community, communicates to the public that all citizens are entitled to equal protection of the law, encourages public trust in state institutions, and promotes values of tolerance and inclusion.

¹ Dangerous Speech Project, *Dangerous Speech: A Practical Guide* (April 19, 2021), 8, <https://dangerousspeech.org/guide/>.

² United States Holocaust Memorial Museum, “Defusing Hate: A Strategic Communication Guide to Counteract Dangerous Speech” (2016), <https://www.ushmm.org/genocide-prevention/reports-and-resources/defusing-hate-a-guide-to-counteract-dangerous-speech#:~:text=Genocide%20and%20mass%20atrocities%20are,instrument%20of%20group%2Dtargeted%20violence.>

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- **Prosecution of past violence** matters because unpunished violence is a commonly cited risk factor for mass atrocities. Impunity can reinforce perceptions of the target group as unworthy of justice or equal treatment under the law. It can also lead to grievances that diminish trust in state institutions, raising the likelihood that disputes will be addressed through violence.
- **Restorative justice** emphasizes repairing the harm caused by past crimes. It involves acknowledging the victims' harms and needs and the harms' impact on communities. It also involves encouraging perpetrators to take responsibility, make right the wrongs, and address the causes of their behavior.³ It can take many forms, drawing from customary practices of justice and reconciliation, reparations programs, truth-telling or truth commissions, official apologies, and memorialization, among others.
- **Emergency planning** is crucial to ensuring professionals are prepared to respond when a crisis emerges. With more planning and training for emergencies, more lives can be saved and unintended or negative outcomes can be avoided.
- **Safe management of public protest** is important to mitigating the likelihood that protests can become a trigger or escalate tensions that lead to mass atrocities.
- **Rule of law promotion** is broadly important to building public trust in state institutions to fairly and peacefully manage disputes and conflicting interests. Strengthening the rule of law can relate to—among other topics—promoting equal treatment under the law, public integrity and anti-corruption efforts, access to justice for vulnerable groups, and judicial efficiency so that disputes do not fester unresolved. The key question for each context involves (1) evaluating core grievances and dynamics that could drive conflict and instability and (2) identifying which rule of law reforms or measures are most relevant to reducing atrocity risks in that location.

Exercise: Discussion of Criminal Justice Tools for Prevention (20 minutes)

Slides 4–5

Instructor should ask participants to take out the Module #4 Handout, which lists tools for atrocity prevention. Instructor should divide the class into four groups, with each group reviewing the tools related to one of the risk factors (if dealing with a very large class, the instructor may wish to have more than one group discuss the first risk factor (“Instability: Armed Conflict or Political Turmoil”). Given the nature of the exercise, the instructor may wish to divide the group according to profession (e.g., police, prosecutors, judges.) where applicable. Alternatively, the instructor may allow participants to self-select which risk factor they would like to discuss and to form four groups for discussion in that way.

³ Howard Zehr, *The Little Book of Restorative Justice* (Pennsylvania: Good Books, 2002), 59–60. See also Lawrence W. Sherman and Heather Strang, *Restorative Justice: The Evidence* (London: The Smith Institute, 2007).

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Say: “The handout in front of you is designed to take a closer look at the intersections between risk factors for mass atrocities and tools for prevention. Our goal in this segment is to identify specific actions or tools criminal justice professionals can apply in the ‘before’ stage. This list is not comprehensive, and we will rely on your professional expertise to add to or refine it.

“Please take a couple of minutes to review the chart in the handout, paying particular attention to the blue column containing possible criminal justice examples. As you look at the chart, consider the following questions:

- Which tools are you already using? Are they effective?
- Which of these tools could be most useful to you in reducing atrocity risk or escalation of violence?
- Are there other examples or tools you would add to the criminal justice column?”

Instructor should allot 10 minutes for participants to read and discuss their assigned section of the chart in small groups, followed by 10 minutes to report out and discuss with the larger group. Instructor should record any additional tools mentioned by participants that are not listed on the handout on a piece of chart paper at the front of the classroom for reference during other segments of the course (e.g., Module 9). Instructor could consider adding these tools to the chart and redistributing the updated chart to participants later in the course.

Conclusion (5 minutes)

Say: “As we looked at possible tools that are available to you for reducing the risk of mass atrocities in your own domestic context, we also highlighted some areas of resilience, or the factors that help avoid, mitigate, or counter risk. Areas of resilience include things like good governance and rule of law. More specifically, as you look at the chart in the handout or the list of tools on slides 3 and 4, you can see a common theme—these tools seek to foster positive relationships between citizens and you (representatives of the state). They promote safety, equality, and respect for the rights of everyone.

“As discussed, resilience can include some of the ways you are already using these tools or addressing risk. In light of how complex these issues can seem, it is important to acknowledge the work you are already doing that intersects with atrocity prevention. To learn more about the resilience factors identified in various atrocity prevention frameworks, please see the ‘Combined List of Resilience or Mitigating Factors with a Focus on Criminal Justice’ in your handout.

“We will now take a closer look at one specific tool (community dialogues) OR at how to address one specific warning sign frequently encountered by criminal justice professionals (dangerous and hate speech) in the next session (Module 5).”

Cover: London police meets with Chinese community ahead of Chinese New Year celebrations to wish everyone Happy New Year. PjrNews/Alamy Stock Photo.