



ODUMUNC 2014
Issue Brief for the
GA Third Committee: SOCHUM



***Prevention and Prosecution of Genocide and Crimes Against Humanity
and Assistance to Survivors***

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Introduction

The enormity of the crime of genocide poses great responsibilities and great problems for the international community. How best to prevent massive attacks on a group of people from ever occurring? And what are the responsibilities of the international community after such acts occur? The global horror at the Jewish Holocaust created a consensus on the need for action. But measures were slow to emerge until the genocide in Rwanda in 1994. Today the world has a legal basis for action in the 1948 Genocide Convention and the International Criminal Court, agreed in 1998. Such measures are essential, but not sufficient, as shown by the difficulty addressing the Darfur-Sudan genocide of 2002-04.

Defining genocide is part of the problem. Genocide, a crime against humanity, is defined by the United Nations as:

...any act committed with the idea of destroying in whole or in part a national, ethnic, racial or religious group. This includes such acts as:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting conditions calculated to physically destroy the group (the whole group or even part of the group)
- Forcefully transferring children of the group to another group.

Numbers alone might tell the story, but these often must be adjusted when the groups involved are small. Distinguishing mass murder from genocide is not just a legal distinction; the determination affects whether and how the international community gets involved.

Some governments have been forthright ready to admit the crimes of their predecessors. The post-1945 governments of Germany are a notable example. Others have struggled with these issues for almost a century, such as the Turkish government in its denials of Armenian genocide during World War One, or the government of the United States in its denial of genocide against American Indians.

Governments often feel compelled to hide genocide-like acts by minimizing what occurred, or accusing the victims of exaggeration. They also turn to equivalence arguments, maintaining that other groups suffered as much or more. They may claim that domestic law and justice is sufficient to resolve any disputes, denying the legitimacy of international action.

Definitional issues often are most important. For example, if the death and suffering caused by American Indian displacement in the 1820s was genocide, the responsible government may be

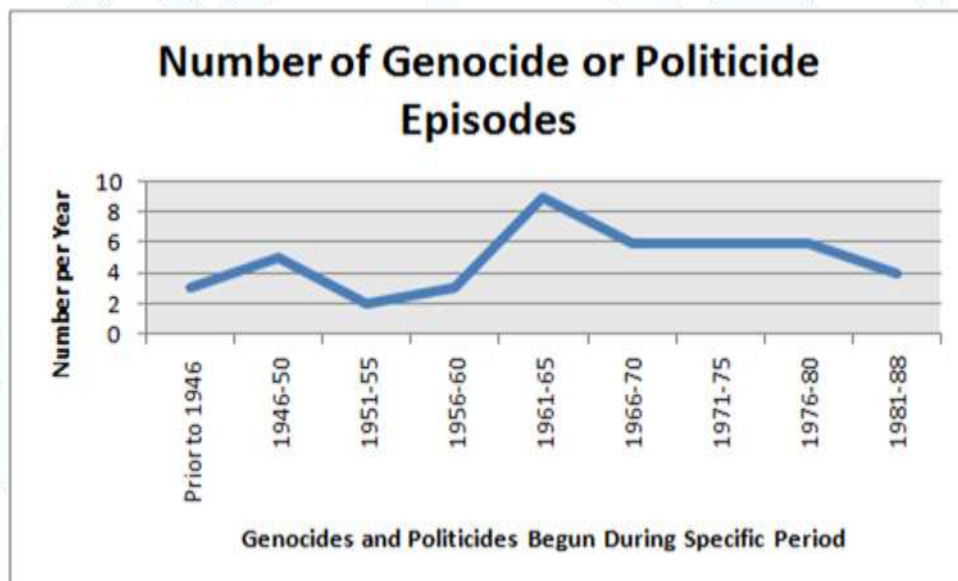
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liable for restitution. If legalized slavery is genocide, restitution could involve millions of survivors and their heirs.

For the international community, problems of prevention are directly related to gather information and insuring early warning and accurate reporting. Mechanisms to insure such warning and reporting are just as important as measures for justice for perpetrators, and help for victims.

As summarized in Figure 1, incidents of genocide are not rare. One or two events per year seem normal. How best to prevent future genocides? How to help victims when they do occur? And how to insure just legal treatment of perpetrators after?

Figure 1.



Source: "Features of Genocides and Politicides Since 1945", Center on Law and Globalization.
http://clg.portalxm.com/library/keytext.cfm?keytext_id=192

Background

Genocide dates back to the Christian crusades of the Middle Ages. These massive slaughters took place throughout Eurasia due to religious differences between Christians who felt threatened by the emergence of Islam and Middle-Eastern Muslims. Such acts have been present throughout the world and throughout time. In the 1820s U.S. President Andrew Jackson of the United States ordered for the removal of hundreds of thousands of Native Americans in a migration now known as the Trail of Tears.

Early on, Armenia accepted Christianity and prospered, particularly within more artistic realms. In the 1000s, Armenia was forced into the Muslim-controlled Ottoman Empire where it remained for several centuries. The Empire, once a forerunner in invention and military strategy, was declining in power. The educated Armenians fought to gain political and social rights, but were slaughtered under an order of the Sultan. Well over 100 thousand Armenians were killed around 1894, and over 2 million were killed between 1915 and 1918 thanks to the Turks'

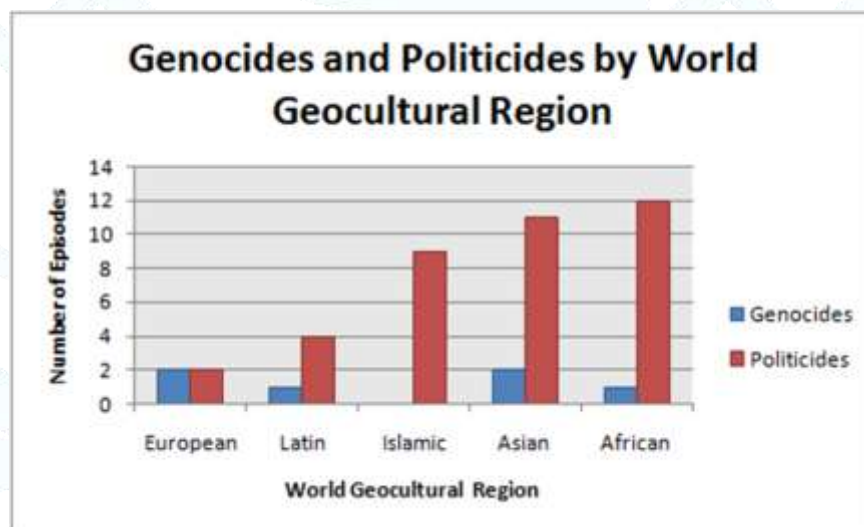
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brutality. This hatred continued even after the overthrow of the Sultan and the rise of the Young Turks. Armenians were forced to give up any and all of their weapons to the Turks, and then were forced to join the Turkish Army during World War One. The few who survived World War One were shot by the Turks. Some Armenian children became Muslims and were given new Turkish identities. Most surviving Armenian women were sexually abused or even enslaved. The Armenians were eventually able to defeat the Turks and established the independent Republic of Armenia. The Young Turks were never tried for their crimes against the Armenians, and as a result many were assassinated. US President Woodrow Wilson helped the Armenians and the Turks ratify the Treaty of Sevres, which acknowledged the new Armenian state's borders.

Hitler's regime in World War II established concentration and death camps, killing roughly 6,000 Jews and 7,000 others. The Roma, Jews, Poles, Serbs, and Africans were all considered to be ethnically inferior. Many of the disabled were also "euthanized." Homosexuals, communists, Jehovah's Witnesses, and other dissidents of the German norms were killed or sent to concentration camps. Towards the end of the war, the Soviet Union invaded Germany, which was then defeated. People still living in the concentration camps and war prisons were liberated and many emigrated from the German territories.

After the fall of Yugoslavia, Bosnia was left with a significant Muslim population. Neighboring Serbia attacked the Muslim Bosnians (or Bosniaks). They were sent to concentration camps where many were physically, mentally, and sexually assaulted on a regular basis. Appalled, the UN Security Council established several areas as safe zones and sent peacekeepers to said areas. In one "safe area," Srebrenica, 23 thousand Bosniak women and children were sent away to Muslim territories and eight thousand men were murdered. NATO used airstrikes against the Serbs in effort to stop the brutality against Bosniaks. The United States then spearheaded the Dayton Peace Accords, which ceased the conflict. The Hague has convicted over 160 people, including several high-ranking Bosnian Serb officials.

Figure 2. Genocides and Politicides by World Geocultural Region



Source: "Features of Genocides and Politicides Since 1945", Center on Law and Globalization.
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During the 1970s, Cambodia's government was overthrown by the extremist communist Khmer Rouge. Those who were educated or religious figures were murdered. Infrastructural institutions, including schools and hospitals, were shut down. Children were forced into labor camps and their families were either forced to leave or killed. Those who escaped immediate death worked in horrendous conditions and often died from starvation and exhaustion. If members of Khmer Rouge were even remotely suspected of treason, they would be executed. More than two million civilians died at the hands of Khmer Rouge.

In the 1990s Rwanda witnessed the death of some 800,000 people due to tribal differences. The majority of Rwandans were Hutus, but the power was limited to the Tutsi minority. In April 1994, approximately 800 thousand, mostly Tutsis, were killed in the genocide. The Tutsis believed themselves to be superior to the Hutus, and the Hutus responded with massive amounts of violence. The fighting ceased for the most part after the Tutsis regained control and the international community condemned the genocide, but Rwandans are still trying to forget the effects of genocide. Many were sexually and physically assaulted, and further traumatized by this haunting tragedy.

A remarkable graphic on definitions and numbers of people involved is attached at the end of this issue brief (Figure 5).

Current Situation

Opposing tribes in Somalia overthrew their government in the early 1990s. These groups, unable to agree on a new government, fell into violent anarchy. Despite efforts by neighboring countries and elders to appoint a transitional government in 2000, violence continues. From 2002 to 2004, Kenya lead peacekeeping operations in the region. A new interim government was formed with a five-year period to establish a new constitution and representative government. In 2006, militias gained municipal power within southern Somalia, and then were overthrown by the transitional government with help from Ethiopian troops. Over the next couple of years, these militias regained power in the south and Ethiopia removed all troops from Somalia. The transitional government was then extended into 2011 and new leaders were elected. This success was diminished by attacks from insurgents. Ethiopia, the United States, the African Union, the United Nations, and others currently have peacekeepers and armed troops in the region in efforts to combat the constant violence.

In Sudan, even with the new establishment of South Sudan, there is much violence against different ethnic groups. Although the conflict is technically a civil war, it has been repeatedly referred to as a genocide, although both the Christians in the South and the Muslims in the northern Sudan have committed crimes against humanity in hopes of rising to power. This conflict has spilled over into neighboring countries, leading to additional conflict in central Africa.

Many non-governmental organizations, or NGOs, have been created in an effort to end genocide and help survivors of genocide. One such organization is the Genocide Survivors Support Network (GSSN). This non-profit NGO seeks to help survivors get treatment for both physical and psychological effects of genocide, have a stable shelter, and to access opportunities to rebuild their lives. Many genocide survivors tend to emigrate to other countries and feel lost in a new land. NGOs like GSSN help them to find light once again.

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Role of the United Nations and Landmark Resolutions

The Convention for the Prevention and Punishment of the Crime of Genocide was adopted in late 1948. It does not establish any monitoring body or peacekeeping operation, but defines Genocide as a crime that can and should be punishable by the international community. The Convention has been popular and widely accepted in much of the world, including Africa, Europe and Latin America.

Implementing the Convention has been difficult elsewhere. Many governments view it as a threat to national sovereignty, including several Asian governments and the United States. Whether or not a new body should be added has been debated within the United Nations. The Special Adviser on the Prevention of Genocide was established by the UN Secretary-General in 2004.

On 24 December 2011 the UN General Assembly adopted \$5.15 million for 2012-2013 to be used for the survivors of the 1994 Rwandan genocide, including orphans, widows, and victims of sexual violence. Although the amount is not great, the then-president of the U.N. General Assembly, Nassir Al-Nasser from Qatar, noted the importance of the precedent, and spoke of it as a “decisive moment in history.”

Figure 3.

WANTED FOR GENOCIDE

FELICIEEN KABUGA	AUGUSTIN BIZIMANA	JEAN-BAPTISTE GATETE	AUGUSTIN BIZIMUNGU	THARCISSE RENZAHU

INDICTED

DELPHONSE HATEGKIMANA	AUGUSTIN NDIRABIRE	DELPHONSE NZEYIMANA	PROTAIS MPIRANYA	CALLIXTE NZABONIMANA

YUSUF JOHN MUNYAKAZI, RYANDIKAYO, CHARLES SIKUBWABO, ALOYS NDIMBATI

UP TO U.S. \$5,000,000 REWARD

Rewards of up to U.S. \$5,000,000 are offered for information that leads to the arrest of persons indicted by the International Criminal Tribunal for Rwanda for serious violations of international humanitarian law and their transfer to Tribunal custody. If you have information about any of the above persons, please contact Rewards for Justice through the telephone number or email below.

CALL NOW - Kinshasa (243)98367160 or (243)8808308 | In the eastern Congo: (00250) 08574066
Nairobi (254)722-298483 or (254)733-250208

WRITE NOW - Kinshasa: JusticeRewards@yahoo.com | Nairobi: Rewards@state.gov
ALL CONTACTS WILL BE KEPT CONFIDENTIAL | www.rewardsforjustice.net

Source: The William Breman Jewish Heritage & Holocaust Museum, 2008.

http://www.thebreman.org/exhibitions/online/1000kids/Rwanda_genocide_wanted_poster_2-20-03.jpg

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Country Positions

Support by outside countries is also important to help these survivors rebuild their lives. Recently the European Union (EU) addressed the need to prevent genocide and other mass atrocities. They touched base on the need for greater intelligence in order to prevent new genocides. For example, the French were very much involved with the Rwandan genocide. They provided military, diplomatic, and economic support before, during, and after the genocide. Latin American governments, Europeans, Australia and Canada routinely lead calls for action. They also have generously funded activity.

Former US Secretary of State Colin Powell named the conflict in Sudan a genocide and called for action. Soon after, Tony Blair, the then-Prime Minister of the United Kingdom, requested that the members of the European Union respond to the situation. The next Prime Minister of the United Kingdom, Gordon Brown, encouraged increased peacekeeping operations in the region.

Among the governments most resistant to action on genocide are Japan and Turkey, who fear genocide diplomacy will be used against them. China allies with Sudan, Russia allies with China, and they both veto many UN Security Council resolutions that would condemn the Sudanese government and potentially end the crisis in Darfur. Asian government and a few others—most prominently the United States—are wary about some genocide activism, which they fear will be used against them and weaken their national sovereignty.

African countries can be ambivalent about genocide diplomacy. With weak states and innumerable problems of ethnic relations, the continent is vulnerable acts of genocide. But African leaders also are sensitive to being singled out for global attention. They insist that genocide be prosecuted everywhere, not just in their continent.

Figure 4.



<http://bshsocialstudies.wikispaces.com/file/view/genocide.gif/93741106/381x269/genocide.gif>

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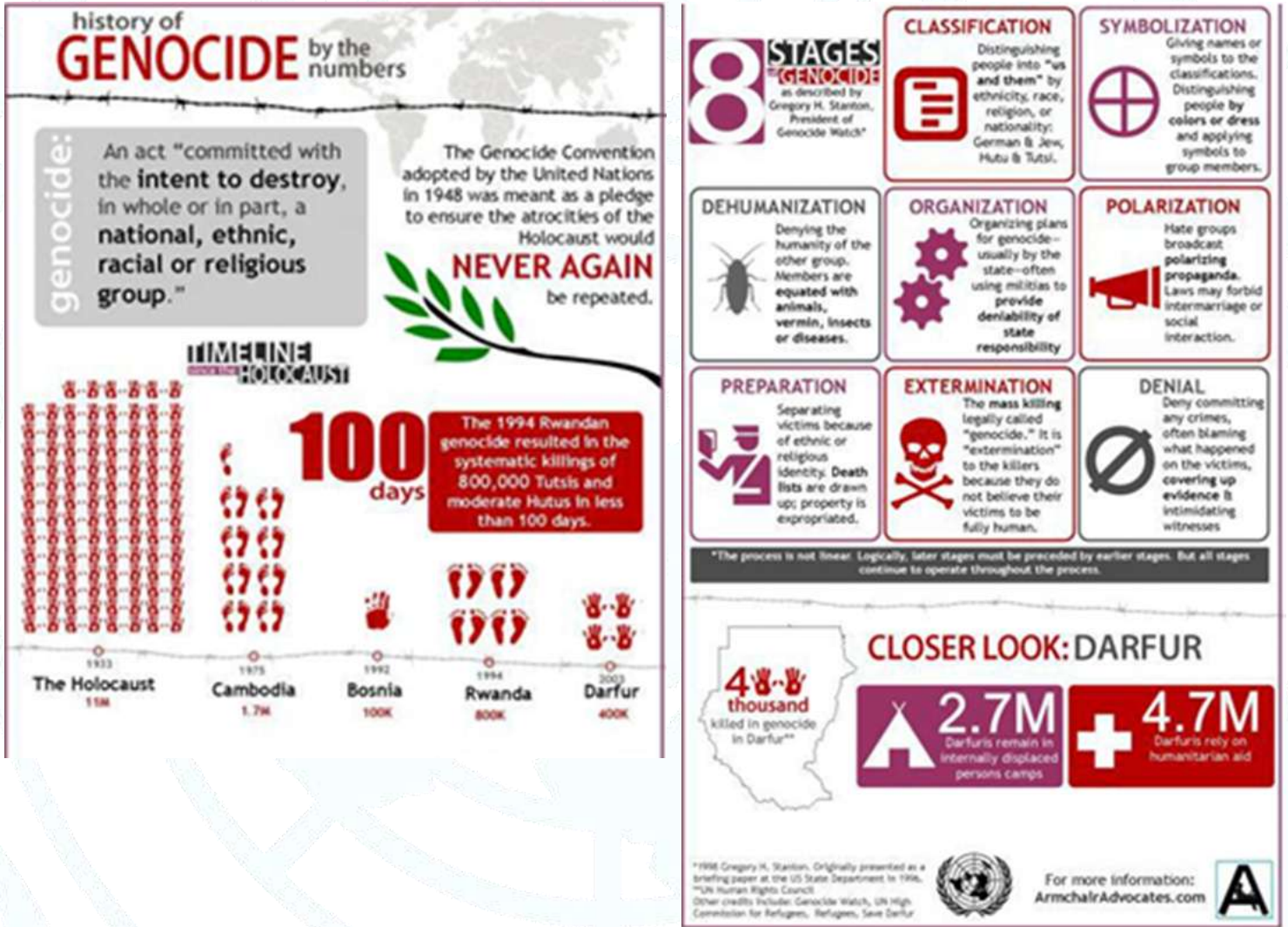
Conclusion

Genocide remains an eminent threat in a world with so many divisions. The desire for power may override the desire for equality, and lead to violent crimes against humanity. The United Nations cannot infringe on the sovereignty of states without approval of the Security Council. Rather, it can only appeal to the member states and UN Security Council for action. Priorities for international action include

- National acknowledgment of responsibility for past genocide
- Warning of conditions likely to lead to future genocides
- Mechanisms for outside intervention to prevent or end genocides
- Help for victims of genocide (with funding and disbursement mechanisms)
- Restitution (with funding and disbursement mechanisms) for survivors and heirs.

All these proposals are controversial. Some affect particular countries much more than others, leading to difficult tradeoffs, such as evaluating the importance of adding past crimes versus the need for support to prevent future ones. The difficulty of the issues testifies to their importance and also explains why the United Nations has an obligation to address such issues. If they were easier to solve, the United Nations would not have to worry about them.

Figure 5. History of Genocide by the Numbers



Source: Armchair Advocates

<http://fatimanaveed.wordpress.com/2012/04/22/genocide-by-the-numbers-infographic/>

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