PREVENTING GENOCIDE

"Preventing genocide is a collective obligation. Let us continue to work together to ensure a future forever free of genocide. This would be the most fitting way to remember those lost in Rwanda 18 years ago, and to honour the resilience of the survivors."

– Secretary-General Ban Ki-moon on the 18th commemoration of the Rwanda genocide, 2012

Understanding genocide

The need to prevent genocide and punish those responsible has been of concern to the international community since the end of the Second World War, during which more than 6 million people were systematically murdered by the Nazi regime for reasons of their ethnicity, sexuality or other characteristics.

What is genocide?

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (known as the “Genocide Convention”) defines genocide as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

The Convention confirms that genocide, whether committed in time of peace or war, is a crime under international law which parties to the Convention undertake “to prevent and to punish.” The primary responsibility to prevent and stop genocide lies with the State in which this crime is committed.

The case of Rwanda

In 1994, as the international community watched, more than 800,000 Rwandans, mostly ethnic Tutsi, were massacred by Hutu militia and government forces over a period of just 100 days. The killings began the day after a plane carrying the presidents of Rwanda and Burundi was shot down as it prepared to land in Kigali, the capital of Rwanda. The presidents were returning from peace talks aimed at shoring up a fragile peace agreement and ending the conflict between the largely ethnic Hutu-dominated government and the largely Tutsi rebel army. The crash re-ignited the war. Retreating government forces joined ethnic Hutu militia in inciting civilians to kill ethnic Tutsis.
They alleged that civilians were helping the Tutsi rebels and used this to justify the mass targeting of innocent peoples. A small peacekeeping force which had been sent by the United Nations to monitor the peace accord was not authorized to intervene. A warning that genocide was planned was not acted upon.

Today, the effects of the genocide in Rwanda are still felt in many different ways both inside the country and in neighbouring states, including in the eastern regions of the Democratic Republic of the Congo, where large areas of South Kivu province are still controlled by Hutu militia from Rwanda and their local allies. Alongside other fighters in the Congo war, they continue to commit serious human rights violations, including abductions, killings and rape. Sexual violence, particularly against women and children, is widespread.

**Preventing genocide**

Genocide is not something that happens overnight or without warning. Genocide requires organization and constitutes in fact a deliberate strategy and one that has been mostly carried out by governments or groups controlling the state apparatus. Understanding the way genocide occurs and learning to recognize signs that could lead to genocide are important in making sure that such horrors do not happen again.

On 7 April 2004, the tenth anniversary of the Rwandan genocide, UN Secretary-General Kofi Annan outlined a five-point action plan for preventing genocide:

1. Prevent armed conflict, which usually provides the context for genocide;
2. Protect civilians in armed conflict, including through UN peacekeepers;
3. End impunity through judicial action in national and international courts;
4. Gather information and set up an early-warning system; and
5. Take swift and decisive action, including military action.

1. Prevent armed conflict

As genocide is most likely to occur during war, one of the best ways to reduce the chances of genocide is to address the root causes of violence and conflict: hatred, intolerance, racism, discrimination, tyranny, and the dehumanizing public discourse that denies whole groups of people their dignity and their rights. Addressing inequalities in access to resources constitutes a critical prevention strategy. The primary responsibility for conflict prevention rests with national governments. The UN supports national efforts, including through political, diplomatic, humanitarian, human rights, and institutional activities. Economic and social development and alleviating poverty also make a substantial contribution to preventing conflict.

2. Protect civilians, including through UN peacekeepers

When efforts to prevent conflict fail, one of the highest priorities must be to protect civilians. Wherever civilians are deliberately targeted because they belong to a particular community, there is a risk of genocide. Over the last decade, the UN Security Council has frequently expanded the mandate of UN peacekeepers so that they can physically protect civilians who are threatened with violence. Today, UN peacekeeping missions regularly help national authorities to establish effective arrangements for investigating and prosecuting serious violations of the law; disarm and demobilize fighters and help to reintegrate them into the community; enforce special measures to protect women and girls from sexual violence; and report on any “hate media” inciting people to genocide, crimes against humanity or other violations of international humanitarian law.
3. **End impunity through judicial action**

To deter people from committing crimes of genocide, those responsible for such crimes need to be brought to justice. Fighting impunity and establishing a credible expectation that the perpetrators of genocide and related crimes will be held accountable can effectively contribute to a culture of prevention.

Today, if a State is unwilling or unable to exercise jurisdiction over alleged perpetrators of genocide, the **International Criminal Court** (ICC) is empowered to investigate and prosecute those most responsible. The ICC is a permanent tribunal, separate from the United Nations, with seat in The Hague, Netherlands, to try individuals for genocide, crimes against humanity, and war crimes. It came into being on 1 July 2002, the date its founding treaty, the Rome Statute, entered into force. So far, 14 cases have been brought before the ICC, including four that have reached the trial stage. In March 2012, the Court delivered its first-ever verdict, issuing a judgment in the war crimes trial of Thomas Lubanga Dyilo, a militia leader accused of participating in the recruitment of child soldiers in the Democratic Republic of the Congo.

Before the ICC was established, special tribunals were created to prosecute those responsible for genocide, war crimes and crimes against humanity in the former Yugoslavia and Rwanda:

The **International Criminal Tribunal for the former Yugoslavia** (ICTY), which has its seat in The Hague, Netherlands, was established in 1993 by the UN Security Council. It has indicted 161 persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. Of those, it has concluded proceedings against 126, with proceedings ongoing for 35. The most prominent trials currently are those of former Bosnian Serb leader Radovan Karadzic, started in October 2009, and former Bosnian Serb military commander Ratko Mladic, beginning in May 2012. Both are accused of carrying out genocide and other crimes against Bosnian Muslims, Bosnian Croats and other non-Serb civilians between 1992 and 1995.

The **International Criminal Tribunal for Rwanda** (ICTR), which has its seat in Arusha, Tanzania, began operating in 1995, after a UN Security Council resolution of November 1994. As of December 2011, the Tribunal had completed the trial work of 80 of the 92 accused. Nine accused were still at large. Among the completed cases are owners of media organizations involved in hate media as well as former military and government leaders, including former prime minister Jean Kambanda – sentenced to life in prison for the crime of genocide – and former mayor Jean Paul Akayesu, whose judgment in 1998 was the first ever to specify that rape may constitute genocide if committed with the intent to destroy a particular group.

In addition, a special tribunal was set up in 2003 to try those accused of the genocide, war crimes and crimes against humanity during the Khmer Rouge regime in Cambodia between 1975 and 1979. The **Extraordinary Chambers in the Courts of Cambodia** – established as a result of an agreement between the UN and the Cambodian Government – in February 2012 sentenced Kaing Guek Eav, alias Duch, the former head of a notorious detention camp, to life in prison, the maximum sentence under Cambodian law, for crimes against humanity and grave breaches of the 1949 Geneva Conventions. The ECCC has so far detained and charged four other former government officials.

4. **Set up early warning systems**

The tragedies of Rwanda and the Balkans in the 1990s demonstrated, in the worst possible way, that the United Nations had to do more to prevent genocide. With this in mind, the Secretary-General, in 2004, appointed Juan Mendez as Special Adviser on the Prevention of Genocide, succeed
in 2007 by Francis Deng, and in 2008, Edward Luck as Special Adviser on the Responsibility to Protect.

The two Special Advisers, Francis Deng and Edward Luck, collect information on situations where there may be a risk of genocide, war crimes, ethnic cleansing and crimes against humanity. Due to the sensitive nature of the mandate, much of their work remains outside of the public eye. However, when the Special Advisers assess that making their concerns public will reduce the risk of genocide and related crimes in a specific situation, or advance the cause of peace and stability, they issue public statements, like in the case of Syria in February 2012. The Special Advisers are also responsible for bringing situations to the attention of the Secretary-General and, through him, of the Security Council, and for making recommendations on actions to prevent or halt genocide.

5. Take swift action, including use of military force

When, where, and how to intervene militarily in domestic situations to prevent or respond to genocide or other mass atrocity crimes is to be decided by the Security Council, in accordance with the United Nations Charter.

In September 2005, at the United Nations World Summit, all countries formally agreed that, if peaceful methods are inadequate and if national authorities are “manifestly failing” to protect their populations from the four mass atrocity crimes, States should act collectively in a “timely and decisive manner,” through the UN Security Council and in accordance with the Charter of the UN.

In the case of Libya, the international community moved quickly to stop the government from killing its own citizens. Security Council resolution 1973 in March 2011 enabled an international coalition to intervene to stop the killings of protestors of the Qadhafi regime. This resolution was subsequent to a previous one, resolution 1970, in which measures short of use of military force were considered and implemented.

In the case of Syria, the Security Council was unable to agree on a resolution calling on the Syrian Government to cease violence against civilians and withdraw its armed forces from cities and towns in February 2012.

In the case of Cote d’Ivoire, the UN Security Council, on 30 March 2011, unanimously adopted resolution 1975, condemning the gross human rights violations committed by supporters of both ex-President Laurent Gbagbo and President Ouattara following the presidential elections in November 2011 and authorizing a UN military operation to prevent the use of heavy weapons against civilians.

For South Sudan, the Security Council, in resolution 1996, in July 2011, established a UN peacekeeping mission, to – among other things – advise and assist the government in fulfilling its responsibility to protect civilians. In resolution 1990, one month earlier, the Security Council authorized the deployment of the UN Interim Security Force for Abyei, with a mandate to monitor the flashpoint border between the North and South. This Force is authorized to use force in protecting civilians and humanitarian workers in Abyei.

For more information, please see:


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