



## BACKGROUND NOTE

# PREVENTING GENOCIDE

*"We have learned important lessons. We know more keenly than ever that genocide is not a single event but a process that evolves over time, and requires planning and resources to carry out. As chilling as that sounds, it also means that with adequate information, mobilization, courage and political will, genocide can be prevented."*

— Secretary-General Ban Ki-moon at the New York launch of Kwibuka20, the 20th commemoration of the Rwanda genocide

### **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 prevention.

Today, if a State is unwilling or unable to exercise jurisdiction over alleged perpetrators of genocide, the **International Criminal Court** (ICC) is empowered, within the parameters of its Statute, to investigate and prosecute those most responsible. The ICC is a permanent tribunal, separate from the United Nations, with its 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, 21 cases in 8 situations (countries) have been brought before the ICC. 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 141, with proceedings ongoing for 20. 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, started 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. The ICTR issued a total of 92 indictments, 2 of which were withdrawn, and 10 of which were referred to national jurisdictions, including 2 to France and 8 to Rwanda. Two accused died before the completion of their cases. As of March 2014, of the 63 completed cases, 14 accused were acquitted, and 49 were found guilty and convicted. Nine accused remain 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.

Both the ICTY and the ICTR are expected to complete their work by the end of 2014. After that, the UN Mechanism for International Criminal Tribunals (MICT), set up by the Security Council in December 2010, will take over and finish the remaining tasks of the tribunals.

A special tribunal was set up in 2003 to try those accused of 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.

The Special Court for Sierra Leone and the Special Tribunal for Lebanon – judicial mechanisms based on agreements between the UN and the Governments of Sierra Leone and Lebanon – do not have jurisdiction over cases of genocide.

#### 4. Set up early warning systems

The tragedies of Rwanda and the Balkans in the 1990s demonstrated, in the worst possible way, that the international community 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, succeeded in 2007 by Francis Deng and in 2012 by Adama Dieng.

The **Special Adviser** collects 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 his/her work remains outside of the public eye. However, when the Special Adviser assesses that making his/her concerns public will reduce the risk of genocide and related crimes in a specific situation, or advance the cause of peace and stability, he/she issues public statements, like in the cases of Syria and Myanmar. The Special Adviser is 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.

In the case of **Côte 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 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 of July 2011, established a UN peacekeeping mission (UNMISS), to – among other things – advise and assist the government in fulfilling its responsibility to protect civilians. In February 2014, the Security Council reiterated its steadfast support for UNMISS and its vital mission on behalf of the international community to protect civilians in South Sudan.

In the case of the **Central African Republic**, the UN Secretary-General in March 2014 outlined his proposal for the establishment of a nearly 12,000-strong UN peacekeeping operation that would be tasked, first and foremost, with protecting civilians in the strife-torn nation.

In the case of **Syria**, despite rising numbers of dead and displaced, and dire warnings from the UN’s top officials, including repeatedly from the UN Secretary-General, the UN Security Council has been unable to unify behind a common course of action.

**For more information**, see: [www.un.org/en/preventgenocide/adviser/genocide\\_prevention](http://www.un.org/en/preventgenocide/adviser/genocide_prevention)  
Outreach Programme on the Rwanda Genocide and the United Nations: [www.un.org/preventgenocide/rwanda](http://www.un.org/preventgenocide/rwanda)