[Template:About](/wiki/Template:About" \o "Template:About) [Template:Use dmy dates](/wiki/Template:Use_dmy_dates) [Template:Discrimination sidebar](/wiki/Template:Discrimination_sidebar) [Template:Genocide](/wiki/Template:Genocide) **Genocide** is the intentional action to systematically eliminate an [ethnic](/wiki/Ethnic_group), [national](/wiki/Nationality), [racial](/wiki/Race_(classification_of_humans)), or [religious](/wiki/Religious_denomination) group. The word is a combination of "genos" (race, people) and "cide" (to kill).[[1]](#cite_note-1) The United Nations [Genocide Convention](/wiki/Genocide_Convention) defines it as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group".[[2]](#cite_note-2)[[3]](#cite_note-3) The term *genocide* was coined in response to [the Armenian Genocide](/wiki/Armenian_Genocide) and [the Holocaust](/wiki/The_Holocaust); it has subsequently been applied to many other mass killings, well-known examples including the [Native American Genocide](/wiki/Native_American_Genocide), the [Greek Genocide](/wiki/Greek_Genocide), the [Assyrian Genocide](/wiki/Assyrian_Genocide), [Holodomor](/wiki/Holodomor), the [1965–66 Indonesian tragedy](/wiki/Indonesian_killings_of_1965-66), the [1971 Bangladesh genocide](/wiki/1971_Bangladesh_genocide), the [Cambodian genocide](/wiki/Cambodian_genocide), and more recently [the Kurdish genocide in Iraq](/wiki/Al-Anfal_campaign), the [Bosnian genocide](/wiki/Bosnian_genocide), and the [Rwandan genocide](/wiki/Rwandan_genocide). (For a more complete list, see [Genocides in history](/wiki/Genocides_in_history))

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## Etymology[[edit](/index.php?title=(none)&action=edit&section=1)]

*Genocide* has become an official term used in international relations. Before 1944, various terms, including "massacre" and ["crimes against humanity"](/wiki/Crimes_against_humanity) were used to describe intentional, systematic killings (and in 1941, [Winston Churchill](/wiki/Winston_Churchill) described the mass killing of Russian [POWs](/wiki/Prisoner_of_war) and civilians by the German army as "a crime without a name."[[4]](#cite_note-4) In 1944, a Polish-Jewish lawyer named [Raphael Lemkin](/wiki/Raphael_Lemkin) created the term *genocide* to describe policies of systematic murder, in particular those being carried out by the [Nazis](/wiki/Nazism), and the word was quickly adopted by many in the international community. The word *genocide* is the combination of the Greek prefix *geno-* (meaning "tribe" or "race") and *caedere* (the Latin word for "to kill"), and is defined as a specific set of violent crimes that are committed against a certain group with the attempt to remove the entire group from existence or to destroy them.

The word *genocide* was later included as a descriptive term to the process of indictment, but not yet as a formal legal term<ref what is genocide [[5]](#cite_note-5) Lemkin was also a close relative of genocide victims, losing 49 relatives in the Holocaust. However, his work on defining genocide as a crime dates to 1933, and it was prompted by the [Simele massacre](/wiki/Simele_massacre) in Iraq.[[12]](#cite_note-12)

## As a crime[[edit](/index.php?title=(none)&action=edit&section=2)]

### International law[[edit](/index.php?title=(none)&action=edit&section=3)]

[thumb|250px|Members of the](/wiki/File:Auschwitz_Resistance_280_cropped.jpg) [*Sonderkommando*](/wiki/Sonderkommando) burn corpses of Jews in the fire pits at Auschwitz II-Birkenau, an [extermination camp](/wiki/Extermination_camp) After the Holocaust, which had been perpetrated by the [Nazi Germany](/wiki/Nazi_Germany) and its allies prior to and during [World War II](/wiki/World_War_II), Lemkin successfully campaigned for the universal acceptance of international laws defining and forbidding genocides. In 1946, the first session of the [United Nations General Assembly](/wiki/United_Nations_General_Assembly) adopted a [resolution](/wiki/United_Nations_General_Assembly_Resolution_96) that "affirmed" that genocide was a crime under international law, but did not provide a legal definition of the crime. In 1948, the UN General Assembly adopted the [*Convention on the Prevention and Punishment of the Crime of Genocide*](/wiki/Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide) (CPPCG) which defined the crime of genocide for the first time.[[13]](#cite_note-13) The *CPPCG* was adopted by the UN General Assembly on 9 December 1948 and came into effect on 12 January 1951 (Resolution 260 (III)). It contains an internationally recognized definition of genocide which has been incorporated into the national criminal legislation of many countries, and was also adopted by the [Rome Statute of the International Criminal Court](/wiki/Rome_Statute_of_the_International_Criminal_Court), which established the [International Criminal Court](/wiki/International_Criminal_Court) (ICC). Article II of the Convention defines genocide as:

[Template:Quotation](/wiki/Template:Quotation)

The first draft of the Convention included political killings, but these provisions were removed in a political and diplomatic compromise following objections from some countries, including the [USSR](/wiki/Soviet_Union), a permanent security council member.<ref name=gellately&kiernan>[Template:Cite book](/wiki/Template:Cite_book)</ref><ref name=staub>[Template:Cite book](/wiki/Template:Cite_book)</ref> The USSR argued that the Convention's definition should follow the etymology of the term,[[14]](#cite_note-14) and may have feared greater international scrutiny of its own [Great Purge](/wiki/Great_Purge).[[15]](#cite_note-15) Other nations feared that including political groups in the definition would invite international intervention in domestic politics.[[14]](#cite_note-14) However leading genocide scholar [William Schabas](/wiki/William_Schabas) states: “Rigorous examination of the travaux fails to confirm a popular impression in the literature that the opposition to inclusion of political genocide was some Soviet machination. The Soviet views were also shared by a number of other States for whom it is difficult to establish any geographic or social common denominator: Lebanon, Sweden, Brazil, Peru, Venezuela, the Philippines, the Dominican Republic, Iran, Egypt, Belgium, and Uruguay. The exclusion of political groups was in fact originally promoted by a non-governmental organization, the World Jewish Congress, and it corresponded to Raphael Lemkin’s vision of the nature of the crime of genocide.” [[16]](#cite_note-16) The convention's purpose and scope was later described by the [United Nations Security Council](/wiki/United_Nations_Security_Council) as follows:

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### Specific provisions[[edit](/index.php?title=(none)&action=edit&section=4)]

#### "Intent to destroy"[[edit](/index.php?title=(none)&action=edit&section=5)]

In 2007 the [European Court of Human Rights](/wiki/European_Court_of_Human_Rights) (ECHR), noted in its judgement on *Jorgic v. Germany* case that in 1992 the majority of legal scholars took the narrow view that "intent to destroy" in the CPPCG meant the intended physical-biological destruction of the protected group and that this was still the majority opinion. But the ECHR also noted that a minority took a broader view and did not consider biological-physical destruction was necessary as the intent to destroy a national, racial, religious or ethnic group was enough to qualify as genocide.[[17]](#cite_note-17) In the same judgement the ECHR reviewed the judgements of several international and municipal courts judgements. It noted that [International Criminal Tribunal for the Former Yugoslavia](/wiki/International_Criminal_Tribunal_for_the_Former_Yugoslavia) and the [International Court of Justice](/wiki/International_Court_of_Justice) had agreed with the narrow interpretation, that biological-physical destruction was necessary for an act to qualify as genocide. The ECHR also noted that at the time of its judgement, apart from courts in Germany which had taken a broad view, that there had been few cases of genocide under other Convention States [municipal laws](/wiki/Municipal_law) and that "There are no reported cases in which the courts of these States have defined the type of group destruction the perpetrator must have intended in order to be found guilty of genocide".[[18]](#cite_note-18)

#### "In part"[[edit](/index.php?title=(none)&action=edit&section=6)]

[thumb|](/wiki/File:Morgenthau336.jpg)[Armenian Genocide](/wiki/Armenian_Genocide) victims The phrase "in whole or in part" has been subject to much discussion by scholars of international humanitarian law.[[19]](#cite_note-19) The International Criminal Tribunal for the Former Yugoslavia found in *Prosecutor v. Radislav Krstic – Trial Chamber I – Judgment – IT-98-33 (2001) ICTY8 (2 August 2001)*[[20]](#cite_note-20) that Genocide had been committed. In *Prosecutor v. Radislav Krstic – Appeals Chamber – Judgment – IT-98-33 (2004) ICTY 7 (19 April 2004)*<ref name=PvRKappel>[Prosecutor v. Radislav Krstic – Appeals Chamber – Judgment – IT-98-33 (2004) ICTY 7 (19 April 2004)](http://www.worldlii.org/int/cases/ICTY/2004/7.html)</ref> paragraphs 8, 9, 10, and 11 addressed the issue of *in part* and found that "the part must be a substantial part of that group. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole." The Appeals Chamber goes into details of other cases and the opinions of respected commentators on the Genocide Convention to explain how they came to this conclusion.

The judges continue in paragraph 12, "The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms, but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4 [of the Tribunal's Statute]."[[21]](#cite_note-21)[[22]](#cite_note-22) In paragraph 13 the judges raise the issue of the perpetrators' access to the victims: "The historical examples of genocide also suggest that the area of the perpetrators’ activity and control, as well as the possible extent of their reach, should be considered. ... The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can—in combination with other factors—inform the analysis."[[23]](#cite_note-23)

### CPPCG coming into force[[edit](/index.php?title=(none)&action=edit&section=7)]

The Convention came into force as international law on 12 January 1951 after the minimum 20 countries became parties. At that time however, only two of the five permanent members of the [UN Security Council](/wiki/UN_Security_Council) were parties to the treaty: France and the [Republic of China](/wiki/Republic_of_China). The Soviet Union ratified in 1954, the United Kingdom in 1970, the People's Republic of China in 1983 (having replaced the Taiwan-based Republic of China on the UNSC in 1971), and the United States in 1988. This long delay in support for the Convention by the world's most powerful nations caused the Convention to languish for over four decades. Only in the 1990s did the international law on the crime of genocide begin to be enforced.

### UN Security Council on genocide[[edit](/index.php?title=(none)&action=edit&section=8)]

[UN Security Council Resolution 1674](/wiki/UN_Security_Council_Resolution_1674), adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 [World Summit Outcome Document](/wiki/World_Summit_Outcome_Document) regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".[[24]](#cite_note-24) The [resolution](/wiki/United_Nations_Security_Council_Resolution) committed the Council to action to protect civilians in armed conflict.[[25]](#cite_note-25) In 2008 the UN Security Council adopted [resolution 1820](/wiki/United_Nations_Security_Council_Resolution_1820), which noted that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide".[[26]](#cite_note-26)

## Criticisms of the CPPCG and other definitions of genocide[[edit](/index.php?title=(none)&action=edit&section=10)]

[Template:See also](/wiki/Template:See_also)

William Schabas has suggested that a permanent body as recommended by the [Whitaker Report](/wiki/Whitaker_Report_(United_Nations)) to monitor the implementation of the Genocide Convention, and require States to issue reports on their compliance with the convention (such as were incorporated into the United Nations [Optional Protocol to the Convention against Torture](/wiki/Optional_Protocol_to_the_Convention_against_Torture)), would make the convention more effective.[[27]](#cite_note-27) Writing in 1998 Kurt Jonassohn and Karin Björnson stated that the CPPCG was a legal instrument resulting from a diplomatic compromise. As such the wording of the treaty is not intended to be a definition suitable as a research tool, and although it is used for this purpose, as it has an international legal credibility that others lack, [other definitions](/wiki/Genocide_definitions) have also been postulated. Jonassohn and Björnson go on to say that none of these alternative definitions have gained widespread support for various reasons.<ref name=Jonassohn-133-135>Kurt Jonassohn & Karin Solveig Björnson, *Genocide and Gross Human Rights Violations in Comparative Perspective: In Comparative Perspective*, Transaction Publishers, 1998, ISBN 0-7658-0417-4, ISBN 978-0-7658-0417-4. [pp. 133–135](https://books.google.com/books?id=jIxCUXI38zcC&pg=PA133&lr=&as_brr=3&as_pt=ALLTYPES)</ref>

Jonassohn and Björnson postulate that the major reason why no single generally accepted genocide definition has emerged is because academics have adjusted their focus to emphasise different periods and have found it expedient to use slightly different definitions to help them interpret events. For example, Frank Chalk and Kurt Jonassohn studied the whole of human history, while [Leo Kuper](/wiki/Leo_Kuper) and [R. J. Rummel](/wiki/R._J._Rummel) in their more recent works concentrated on the 20th century, and [Helen Fein](/wiki/Helen_Fein), Barbara Harff and Ted Gurr have looked at post World War II events. Jonassohn and Björnson are critical of some of these studies, arguing that they are too expansive, and conclude that the academic discipline of genocide studies is too young to have a canon of work on which to build an academic [paradigm](/wiki/Paradigm).<ref name=Jonassohn-133-135/>

The exclusion of social and political groups as targets of genocide in the CPPCG legal definition has been criticized by some historians and sociologists, for example M. Hassan Kakar in his book *The Soviet Invasion and the Afghan Response, 1979–1982*[[28]](#cite_note-28) argues that the international definition of genocide is too restricted,[[29]](#cite_note-29) and that it should include political groups or any group so defined by the perpetrator and quotes Chalk and Jonassohn: "Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator."[[30]](#cite_note-30) While there are various definitions of the term, Adam Jones states that the majority of genocide scholars consider that "intent to destroy" is a requirement for any act to be labelled genocide, and that there is growing agreement on the inclusion of the physical destruction criterion.[[31]](#cite_note-31) Barbara Harff and Ted Gurr defined genocide as "the promotion and execution of policies by a state or its agents which result in the deaths of a substantial portion of a group ...[when] the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality."[[32]](#cite_note-32) Harff and Gurr also differentiate between genocides and [politicides](/wiki/Politicide) by the characteristics by which members of a group are identified by the state. In genocides, the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality. In politicides the victim groups are defined primarily in terms of their hierarchical position or political opposition to the regime and dominant groups.<ref name=HG-2>[Origins and Evolution of the Concept](http://science.jrank.org/pages/9496/Genocide-Origins-Evolution-Concept.html) in the Science Encyclopedia by Net Industries. states "Politicide, as [Barbara] Harff and [Ted R.] Gurr define it, refers to the killing of groups of people who are targeted not because of shared ethnic or communal traits, but because of 'their hierarchical position or political opposition to the regime and dominant groups' (p. 360)". But does not give the book title to go with the page number.</ref>[[33]](#cite_note-33) Daniel D. Polsby and Don B. Kates, Jr. state that "... we follow Harff's distinction between genocides and '[pogroms](/wiki/Pogrom),' which she describes as 'short-lived outbursts by mobs, which, although often condoned by authorities, rarely persist.' If the violence persists for long enough, however, Harff argues, the distinction between condonation and complicity collapses."[[34]](#cite_note-34)[[35]](#cite_note-35) According to R. J. Rummel, genocide has 3 different meanings. The ordinary meaning is murder by government of people due to their national, ethnic, racial, or religious group membership. The legal meaning of genocide refers to the international treaty, the *Convention on the Prevention and Punishment of the Crime of Genocide*. This also includes non-killings that in the end eliminate the group, such as preventing births or forcibly transferring children out of the group to another group. A generalized meaning of genocide is similar to the ordinary meaning but also includes government killings of political opponents or otherwise intentional murder. It is to avoid confusion regarding what meaning is intended that Rummel created the term [democide](/wiki/Democide) for the third meaning.[[36]](#cite_note-36) Highlighting the potential for state and non-state actors to commit genocide in the 21st century, for example, in failed states or as non-state actors acquire weapons of mass destruction, Adrian Gallagher defined genocide as 'When a source of collective power (usually a state) intentionally uses its power base to implement a process of destruction in order to destroy a group (as defined by the perpetrator), in whole or in substantial part, dependent upon relative group size'.[[37]](#cite_note-37) The definition upholds the centrality of intent, the multidimensional understanding of destroy, broadens the definition of group identity beyond that of the 1948 definition yet argues that a substantial part of a group has to be destroyed before it can be classified as genocide (dependent on relative group size).

A major criticism of the international community's response to the Rwandan Genocide was that it was reactive, not proactive. The international community has developed a mechanism for prosecuting the perpetrators of genocide but has not developed the will or the mechanisms for intervening in a genocide as it happens. [Template:Citation needed](/wiki/Template:Citation_needed)

## International prosecution of genocide[[edit](/index.php?title=(none)&action=edit&section=11)]

### By ad hoc tribunals[[edit](/index.php?title=(none)&action=edit&section=12)]

[thumb|](/wiki/File:Nuon_Chea_-_5_December_2011.jpg)[Nuon Chea](/wiki/Nuon_Chea), the Khmer Rouge's chief ideologist, before the [Cambodian Genocide Tribunal](/wiki/Cambodian_Genocide_Tribunal) on 5 December 2011. All signatories to the CPPCG are required to prevent and punish acts of genocide, both in peace and wartime, though some barriers make this enforcement difficult. In particular, some of the signatories—namely, [Bahrain](/wiki/Bahrain), [Bangladesh](/wiki/Bangladesh), [India](/wiki/India), [Malaysia](/wiki/Malaysia), the [Philippines](/wiki/Philippines), [Singapore](/wiki/Singapore), the [United States](/wiki/United_States), [Vietnam](/wiki/Vietnam), [Yemen](/wiki/Yemen), and former [Yugoslavia](/wiki/Yugoslavia)—signed with the proviso that no claim of genocide could be brought against them at the [International Court of Justice](/wiki/International_Court_of_Justice) without their consent.[[38]](#cite_note-38) Despite official protests from other signatories (notably [Cyprus](/wiki/Cyprus) and [Norway](/wiki/Norway)) on the ethics and legal standing of these reservations, the [immunity from prosecution](/wiki/Immunity_from_prosecution_(international_law)) they grant has been invoked from time to time, as when the United States refused to allow a charge of genocide brought against it by former [Yugoslavia](/wiki/Yugoslavia) following the 1999 [Kosovo War](/wiki/Kosovo_War).[[39]](#cite_note-39) It is commonly accepted that, at least since [World War II](/wiki/World_War_II), genocide has been illegal under [customary international law](/wiki/Custom_(law)) as a [peremptory norm](/wiki/Peremptory_norm), as well as under [conventional international law](/wiki/Treaty). Acts of genocide are generally difficult to establish for prosecution, because a chain of accountability must be established. International criminal courts and tribunals function primarily because the states involved are incapable or unwilling to prosecute crimes of this magnitude themselves.

#### Nuremberg Tribunal (1945–1946)[[edit](/index.php?title=(none)&action=edit&section=13)]

[Template:Main article](/wiki/Template:Main_article) Because the universal acceptance of [international laws](/wiki/International_law) which in 1948 defined and forbade genocide with the promulgation of the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG), those criminals who were prosecuted after the war in international courts for taking part in the Holocaust were found guilty of [crimes against humanity](/wiki/Crimes_against_humanity) and other more specific crimes like murder. Nevertheless, the Holocaust is universally recognized to have been a genocide and the term, that had been coined the year before by [Raphael Lemkin](/wiki/Raphael_Lemkin),[[40]](#cite_note-40) appeared in the [indictment of the 24 Nazi leaders](/wiki/Nuremberg_Trials#Trial), Count 3, which stated that all the defendants had "conducted deliberate and systematic genocide—namely, the extermination of racial and national groups..."[[41]](#cite_note-41)

#### International Criminal Tribunal for the Former Yugoslavia (1993 to present)[[edit](/index.php?title=(none)&action=edit&section=14)]

[Template:See also](/wiki/Template:See_also) [thumb|200px|right|The cemetery at the](/wiki/File:Srebrenica_massacre_memorial_gravestones_2009_1.jpg) [Srebrenica-Potočari Memorial and Cemetery to Genocide Victims](/wiki/Srebrenica_Genocide_memorial) [thumb|200px|A boy at a grave during the 2006 funeral of genocide victims](/wiki/File:Boy_at_2006_Srebrenica_funeral.jpg) The term *Bosnian genocide* is used to refer either to [the genocide](/wiki/Srebrenica_massacre) committed by Serb forces in [Srebrenica](/wiki/Srebrenica) in 1995,[[42]](#cite_note-42) or to ethnic cleansing that took place during the 1992–1995 [Bosnian War](/wiki/War_in_Bosnia_and_Herzegovina).[[43]](#cite_note-43) In 2001, the [International Criminal Tribunal for the Former Yugoslavia](/wiki/International_Criminal_Tribunal_for_the_Former_Yugoslavia) (ICTY) judged that the 1995 [Srebrenica massacre](/wiki/Srebrenica_massacre) was an act of genocide.[[44]](#cite_note-44) On 26 February 2007, the [International Court of Justice](/wiki/International_Court_of_Justice) (ICJ), in the [*Bosnian Genocide Case*](/wiki/Bosnian_Genocide_Case) upheld the ICTY's earlier finding that the Srebrenica massacre in Srebrenica and Zepa constituted genocide, but found that the Serbian government had not participated in a wider genocide on the territory of Bosnia and Herzegovina during the war, as the Bosnian government had claimed.[[45]](#cite_note-45) On 12 July 2007, [European Court of Human Rights](/wiki/European_Court_of_Human_Rights) when dismissing the appeal by [Nikola Jorgić](/wiki/Nikola_Jorgić) against his conviction for genocide by a German court ([Jorgic v. Germany](/wiki/Jorgic_v._Germany)) noted that the German courts wider interpretation of genocide has since been rejected by international courts considering similar cases.[[46]](#cite_note-46)[[47]](#cite_note-47)[[48]](#cite_note-48) The ECHR also noted that in the 21st century "Amongst scholars, the majority have taken the view that [ethnic cleansing](/wiki/Ethnic_cleansing), in the way in which it was carried out by the Serb forces in Bosnia and Herzegovina in order to expel Muslims and Croats from their homes, did not constitute genocide. However, there are also a considerable number of scholars who have suggested that these acts did amount to genocide, and the ICTY has found in the Momcilo Krajisnik case that the actus reu, of genocide was met in Prijedor "With regard to the charge of genocide, the Chamber found that in spite of evidence of acts perpetrated in the municipalities which constituted the actus reus of genocide".[[49]](#cite_note-49) On 6 June 2003 the Cambodian government and the United Nations reached an agreement to set up the [Extraordinary Chambers in the Courts of Cambodia](/wiki/Extraordinary_Chambers_in_the_Courts_of_Cambodia) (ECCC) which would focus exclusively on crimes committed by the most senior [Khmer Rouge](/wiki/Khmer_Rouge) officials during the period of Khmer Rouge rule of 1975–1979.[[53]](#cite_note-53) The judges were sworn in early July 2006.<ref name=KD-Time>Doyle, Kevin. ["Putting the Khmer Rouge on Trial"](http://www.time.com/time/world/article/0,8599,1647257,00.html), [*Time*](/wiki/Time_(magazine)), 26 July 2007</ref>[[54]](#cite_note-54)[[55]](#cite_note-55) The genocide charges related to killings of Cambodia's [Vietnamese](/wiki/Vietnamese_Cambodians) and [Cham](/wiki/Cham_people) minorities, which is estimated to make up tens of thousand killings and possibly more[[56]](#cite_note-56)[[57]](#cite_note-57) The investigating judges were presented with the names of five possible suspects by the prosecution on 18 July 2007.<ref name=KD-Time/><ref name=Buncombe>[Template:Cite news](/wiki/Template:Cite_news)</ref>

* [Kang Kek Iew](/wiki/Kang_Kek_Iew) was formally charged with war crime and [crimes against humanity](/wiki/Crimes_against_humanity) and detained by the Tribunal on 31 July 2007. He was indicted on charges of war crimes and crimes against humanity on 12 August 2008.[[58]](#cite_note-58) His appeal against his conviction for war crimes and crimes against humanity was rejected on 3 February 2012, and he is serving a sentence of life imprisonment.[[59]](#cite_note-59)\* [Nuon Chea](/wiki/Nuon_Chea), a former prime minister, who was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 19 September 2007. His trial, which is ongoing, started on 27 June 2011.[[60]](#cite_note-60)[[61]](#cite_note-61)\* [Khieu Samphan](/wiki/Khieu_Samphan), a former head of state, who was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 19 September 2007. His trial, which is ongoing, started on 27 June 2011.[[60]](#cite_note-60)[[61]](#cite_note-61)\* [Ieng Sary](/wiki/Ieng_Sary), a former foreign minister, who was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 12 November 2007. His trial started on 27 June 2011, and ended with his death on 14 March 2013. He was never convicted.[[60]](#cite_note-60)[[61]](#cite_note-61)\* [Ieng Thirith](/wiki/Ieng_Thirith), a former minister for social affairs and wife of Ieng Sary, who was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. She was transferred into the custody of the ECCC on 12 November 2007. Proceedings against her have been suspended pending a health evaluation.[[61]](#cite_note-61)[[62]](#cite_note-62)

There has been disagreement between some of the international jurists and the Cambodian government over whether any other people should be tried by the Tribunal.<ref name=Buncombe/>

### By the International Criminal Court[[edit](/index.php?title=(none)&action=edit&section=17)]

Since 2002, the International Criminal Court can exercise its jurisdiction if national courts are unwilling or unable to investigate or prosecute genocide, thus being a "court of last resort," leaving the primary responsibility to exercise jurisdiction over alleged criminals to individual states. Due to the [United States concerns over the ICC](/wiki/United_States_and_the_International_Criminal_Court), the United States prefers to continue to use specially convened international tribunals for such investigations and potential prosecutions.[[63]](#cite_note-63)

#### Darfur, Sudan[[edit](/index.php?title=(none)&action=edit&section=18)]

[Template:Main article](/wiki/Template:Main_article) [thumb|upright|A mother with her sick baby at Abu Shouk IDP camp in](/wiki/File:Darfur_report_-_Page_6_Image_1.jpg) [North Darfur](/wiki/North_Darfur) There has been much debate over categorizing the situation in Darfur as genocide.[[64]](#cite_note-64) The ongoing conflict in [Darfur](/wiki/Darfur), Sudan, which started in 2003, was declared a "genocide" by [United States Secretary of State](/wiki/United_States_Secretary_of_State) [Colin Powell](/wiki/Colin_Powell) on 9 September 2004 in testimony before the [Senate Foreign Relations Committee](/wiki/United_States_Senate_Committee_on_Foreign_Relations).[[65]](#cite_note-65) Since that time however, no other permanent member of the UN Security Council followed suit. In fact, in January 2005, an International Commission of Inquiry on Darfur, authorized by [UN Security Council Resolution 1564](/wiki/UN_Security_Council_Resolution_1564) of 2004, issued a report to the Secretary-General stating that "the Government of the Sudan has not pursued a policy of genocide."<ref name=un-org-January-25-2005>[Template:PDFlink](/wiki/Template:PDFlink), 25 January 2005, at 4</ref> Nevertheless, the Commission cautioned that "The conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide."<ref name=un-org-January-25-2005/>

In March 2005, the Security Council formally referred the situation in Darfur to the Prosecutor of the International Criminal Court, taking into account the Commission report but without mentioning any specific crimes.[[66]](#cite_note-66) Two permanent members of the Security Council, the United States and [China](/wiki/People's_Republic_of_China), abstained from the vote on the referral resolution.[[67]](#cite_note-67) As of his fourth report to the Security Council, the Prosecutor has found "reasonable grounds to believe that the individuals identified [in the [UN Security Council Resolution 1593](/wiki/UN_Security_Council_Resolution_1593)] have committed crimes against humanity and war crimes," but did not find sufficient evidence to prosecute for genocide.[[68]](#cite_note-68) In April 2007, the Judges of the ICC issued arrest warrants against the former Minister of State for the Interior, [Ahmad Harun](/wiki/Ahmad_Harun), and a Militia [Janjaweed](/wiki/Janjaweed) leader, [Ali Kushayb](/wiki/Ali_Kushayb), for crimes against humanity and war crimes.[[69]](#cite_note-69) On 14 July 2008, prosecutors at the [International Criminal Court](/wiki/International_Criminal_Court) (ICC), filed ten charges of [war crimes](/wiki/War_crimes) against Sudan's President [Omar al-Bashir](/wiki/Omar_al-Bashir): three counts of genocide, five of [crimes against humanity](/wiki/Crimes_against_humanity) and two of murder. The ICC's prosecutors claimed that al-Bashir "masterminded and implemented a plan to destroy in substantial part" three tribal groups in Darfur because of their ethnicity.

On 4 March 2009, the ICC issued a warrant of arrest for Omar Al Bashir, President of Sudan as the ICC Pre-Trial Chamber I concluded that his position as head of state does not grant him immunity against prosecution before the ICC. The warrant was for war crimes and crimes against humanity. It did not include the crime of genocide because the majority of the Chamber did not find that the prosecutors had provided enough evidence to include such a charge.[[70]](#cite_note-70)

## Genocide in history[[edit](/index.php?title=(none)&action=edit&section=19)]

[Template:Main article](/wiki/Template:Main_article)

The concept of genocide can be applied to [historical events of the past](/wiki/History). The preamble to the [CPPCG](/wiki/CPPCG) states that "at all periods of history genocide has inflicted great losses on humanity."

[Revisionist attempts](/wiki/Historical_revisionism_(negationism)) to challenge or affirm claims of genocide are illegal in some countries. For example, several European countries ban denying [the Holocaust](/wiki/The_Holocaust), while in Turkey referring to [mass killings of Armenians](/wiki/Armenian_Genocide), [Greeks](/wiki/Greek_genocide) and [Assyrians](/wiki/Assyrian_Genocide) as a genocide may be prosecuted under [Article 301](/wiki/Article_301_(Turkish_Penal_Code)).[[71]](#cite_note-71) William Rubinstein argues that the origin of 20th century genocides can be traced back to the collapse of the elite structure and normal modes of government in parts of Europe following the First World War:

[Template:Quotation](/wiki/Template:Quotation)

## Stages of genocide, influences leading to genocide, and efforts to prevent it[[edit](/index.php?title=(none)&action=edit&section=20)]

[Template:Quotation](/wiki/Template:Quotation)

In 1996 [Gregory Stanton](/wiki/Gregory_Stanton), the president of [Genocide Watch](/wiki/Genocide_Watch), presented a briefing paper called "The 8 Stages of Genocide" at the [United States Department of State](/wiki/United_States_Department_of_State).<ref name=GSGW-1996>[Gregory Stanton](/wiki/Gregory_Stanton). [The 8 Stages of Genocide](http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html), [Genocide Watch](/wiki/Genocide_Watch), 1996</ref> In it he suggested that genocide develops in eight stages that are "predictable but not inexorable".<ref name=GSGW-1996/>[[72]](#cite_note-72) The Stanton paper was presented to the State Department, shortly after the Rwandan Genocide and much of its analysis is based on why that genocide occurred. The preventative measures suggested, given the briefing paper's original target audience, were those that the United States could implement directly or indirectly by using its influence on other governments.

|  |  |  |
| --- | --- | --- |
| **Stage** | **Characteristics** | **Preventive measures** |
| **1. Classification** | People are divided into "us and them". | "The main preventive measure at this early stage is to develop universalistic institutions that [transcend](/wiki/Racial_integration)... divisions." |
| **2. Symbolization** | "When combined with hatred, symbols may be forced upon unwilling members of pariah groups..." | "To combat symbolization, hate symbols can be legally forbidden as can [hate speech](/wiki/Hate_speech)". |
| **3. Dehumanization** | "One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects, or diseases." | "Local and international leaders should condemn the use of hate speech and make it culturally unacceptable. Leaders who incite genocide should be banned from international travel and have their foreign finances frozen." |
| **4. Organization** | "Genocide is always organized... Special army units or [militias](/wiki/Militia) are often trained and armed..." | "The U.N. should impose arms embargoes on governments and citizens of countries involved in [genocidal massacres](/wiki/Genocidal_massacre), and create commissions to investigate violations" |
| **5. Polarization** | "Hate groups broadcast polarizing propaganda..." | "Prevention may mean security protection for moderate leaders or assistance to human rights groups...Coups d’état by extremists should be opposed by international sanctions." |
| **6. Preparation** | "Victims are identified and separated out because of their ethnic or religious identity..." | "At this stage, a Genocide Emergency must be declared. ..." |
| **7. Extermination** | "It is 'extermination' to the killers because they do not believe their victims to be fully human". | "At this stage, only rapid and overwhelming armed intervention can stop genocide. Real safe areas or refugee escape corridors should be established with heavily armed international protection." |
| **8.** [**Denial**](/wiki/Genocide_denial) | "The perpetrators... deny that they committed any crimes..." | "The response to denial is punishment by an international tribunal or national courts" |

In April 2012, it was reported that Stanton would soon be officially adding two new stages, Discrimination and Persecution, to his original theory, which would make for a 10-stage theory of genocide.[[73]](#cite_note-73)