

The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences

Ցեղասպանության
հանցագործությունը.
կանխարգելում,
դատապարտում և
հետևանքների
վերացում

INTERNATIONAL CONFERENCE
IN THE LIGHT OF THE UN CONVENTION ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE

Proceedings of International Conference

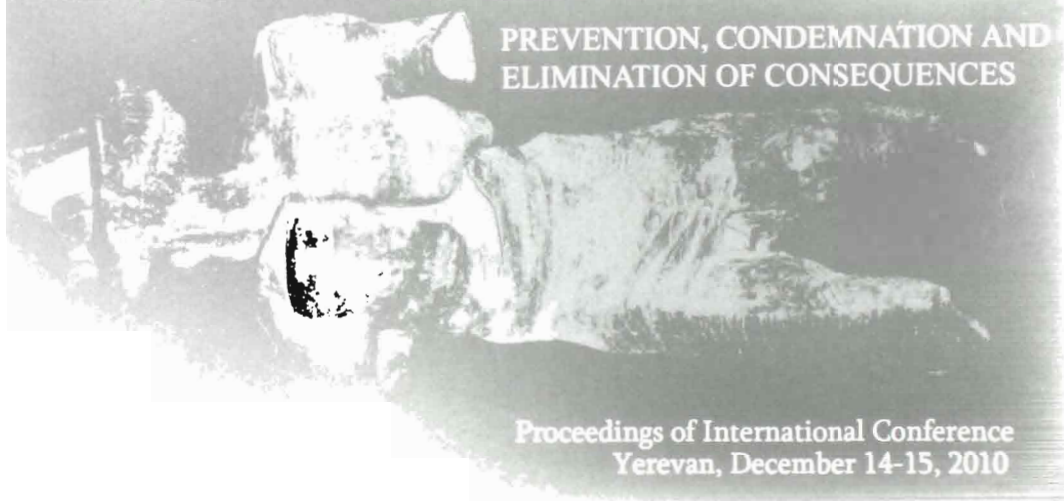


Ministry of Foreign Affairs of the Republic of Armenia
Հայաստանի Հանրապետության արտաքին գործերի նախարարություն

December 14-15, 2010, Yerevan
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THE CRIME OF GENOCIDE.

PREVENTION, CONDEMNATION AND
ELIMINATION OF CONSEQUENCES



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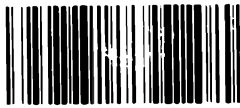
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Խմբագրությամբ
Արամ Հարությունյանի

On December 14-15, 2010 the Ministry of Foreign Affairs of the Republic of Armenia, in cooperation with the Armenian Genocide Museum-Institute organized and conducted an international conference entitled “The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences” in the context of the UN Convention on the “Prevention and Punishment of the Crime of Genocide”. Prominent genocide scholars from around 20 countries participated in the Conference. This Conference brought significant contribution to the coverage of the crime of genocide, its condemnation and prevention, as well as the international recognition of the crimes against humanity. The current proceedings include the speeches of the participants of the Yerevan Conference, genocide scholars, as well as photos and other materials related to the event.

2010 թվականի դեկտեմբերի 14-ից 15-ը Հայաստանի Հանրապետության արտաքին գործերի նախարարությունը Հայոց ցեղասպանության թանգարան-ինստիտուտի հետ համատեղ կազմակերպեց «Ցեղասպանության հանցագործությունը. կանխարգելում, դատապարտում և հետևանքների վերացում» խորագրով միջազգային գիտաժողով, «Ցեղասպանության հանցագործությունը կանխարգելելու և պատժելու մասին» ՄԱԿ-ի Կոնվենցիայի համատեքստում: Երևանյան այս գիտաժողովը իր նշանակալից ներդրումն ունեցավ ցեղասպանության հանցագործության, նրա դատապարտման և կանխարգելման խնդիրների լուսաբանման, մարդկության դեմ իրագործած ոճրագործությունների միջազգային ճանաչման գործում: Ներկա ժողովածուում ամփոփված են երևանյան գիտաժողովի մասնակիցների՝ ցեղասպանագետ-գիտնականների ելույթները, ինչպես նաև լուսանկարներ և միջոցառմանը վերաբերող այլ նյութեր:

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Սույն ժողովածուի ելույթների կամ առանձին հատվածների հրապարակումն առանց ՀՀ արտաքին գործերի նախարարության գրավոր համաձայնության՝ արգելվում է

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STATEMENT OF PRESIDENT SERZH SARGSYAN AT THE INTERNATIONAL CONFERENCE “THE CRIME OF GENOCIDE: PREVENTION, CONDEMNATION AND ELIMINATION OF CONSEQUENCES”

Distinguished Participants of the Conference,
Dear Guests,
Ladies and Gentlemen,

I welcome all participants of this Conference. I thank those foreign scholars who accepted our invitation and came to Armenia to take part and make proposals in the scientific discussions on the crime of genocide, its condemnation and prevention as well as the elimination of the consequences of that crime.

Today, more than ever, it is necessary to take serious steps and develop efficient mechanisms for the prevention of genocides. And today, more than ever, the impunity of different political administrations and states, which have committed the crime of genocide, absence of international condemnation, lack of adequate mechanisms or their ineptitude created a situation when the mankind, along with other grave challenges, still faces the threat of new genocides.

Bitter lessons of the Armenian Genocide are not just memories in the history of the world: they were amplified by the horrors of the Holocaust, genocides in Rwanda,



Darfur and many other tragedies. Unfortunately, genocide denial and oblivion are still present in our world. Political expediency and short-sighted timeserving often prevail over the necessity to adopt and implement sound and reasonable decisions.

Issues pertinent to the prevention and condemnation of genocides, as well as elimination of their consequences, should be put on the agenda of international deliberations. Civilized world should demonstrate an ability to fight united against this menace.

Neither the venue, nor the title of the conference held in Yerevan are accidental. It is true that chronologically the Armenian Genocide occurred several decades before the adoption of the UN Convention on Prevention and Punishment of the Crime of Genocide; however its international, including legal and ethical repercussions became the foundation for the development and adoption of the aforementioned Convention.

Rafael Lemkin says on this, “Until now, the government could treat its citizens as it saw fit. Millions and thousands of hundreds of Muslims and Jews, Armenians and Slavs, Greeks and Russians, swarthy Africans and fair Poles perished in this crime. The world come to a decision that genocide is a crime which falls within the scope of international law, and that to prevent and punish this “crime of the crimes” the convention must be signed by the member states.

Today, we observe another phenomenon: along with the attempts to review historical facts, which were scientifically proved by official historiography and have received corresponding international assessment, some countries are trying to fashion stories of “their own genocides.” Such false approaches constitute simple distortion of the clear-cut legal basis for the definition of the crime of genocide. Without going into the motives behind that phenomenon, I would like to say one thing: “to bestow genocide” on one’s own people is neither patriotism, nor diplomacy.

Those who review and rewrite historical facts imagine that they can impose on the world their corrupt and bogus story. To hush up guilt and the committed crime means to conduct a new crime; moreover, such cynicism proves that some do not comprehend or don’t want to realize the terrible price which the humanity has been paying ever since.

Intolerance and xenophobia are the starting points of any genocide; furthermore, adoption of such policies for whatever reasons, as well as propagation of intolerance and bigotry, also with the direct participation and headship of the leaders of the political elite, contain real danger and prepare fertile soil for new tragedies and genocidal acts.

The Armenian nation greatly values the input and the accomplished work of the scholars who possess scientific candor and maintain unequivocal stance. Their work resulted in scientific substantiation and proof regarding the genocide perpetrated against Armenians in the Ottoman Empire in the beginning of the XX century. With this regard, the role of the International Association of Genocide Scholars, which this year has received the Presidential Award, is indispensable.

I attach great importance to the organization of this scientific conference for the issues related to the crime of genocide, and I am confident that it may be instrumental for the adoption of political decisions aimed at the prevention of that crime and for the manifestation of political will. The conference is also important in the context of developing defined approaches and conceptual documents on the elimination of the consequences of genocides.

The Armenian Genocide, “Mets Eghern” is individual and collective pain of our nation, which knocked at the door of each Armenian family; it is our tragedy and memory. And we are confident that the road from recognition to forgiveness, from justice to peace, as well as tolerance and coexistence have no alternative.

On the eve of the approaching 100th anniversary of Mets Eghern, bowing to the memory of our innocent victims, we as a nation which survived a genocide, will continue to voice our appeal and warning to all – for the sake of the humankind and civilized world, we must protect our planet from such universal tragedies.

Let us create together our new history and common future.

I wish you productive work.

Thank you.



**THE OPENING
SPEECH BY EDWARD
NALBANDIAN, MINISTER
OF FOREIGN AFFAIRS
OF ARMENIA DURING
AN INTERNATIONAL
CONFERENCE “THE
CRIME OF GENOCIDE:
PREVENTION,
CONDEMNATION AND
ELIMINATION OF
CONSEQUENCES”**

Honorable Mr. President,
Respectable Guests,
Ladies and Gentlemen,

The prehistory of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the UN on December 9, 1948 is related to the most tragic page in the history of the Armenian people. It was the absence of condemnation and elimination of consequences of the Armenian Genocide that made the young philologist Rafael Lemkin in 1921 ask his professor why the Armenians did not have the masterminds of the Armenian Calamity arrested. To that question the professor replied that there was no law under which they could be arrested. It was this answer that forced Lemkin to drop philology and get immersed in international law dedicating his life to the study of crimes against humanity, which, among others, paved the way for the adoption of the 1948 Convention.

In the future great efforts were put for the elimination of the consequences of the Holocaust, as it was not possible to prevent its calamity. The ensuing history of 60 years, Cambodia, Rwanda, Darfur and other tragedies demonstrated that all

good-will is not enough to root out such genocidal expressions, as the hatred and hostility propagated on national, ethnical, racial and religious grounds.

Indeed, the international community has registered some progress in this area by the adoption of Rome Statute and the establishment of tribunals for Rwanda and Yugoslavia. In this period several genocide research centers were founded, studies have been carried out in various research establishments and universities, big amount of literature has been and is being published, symposiums and conferences are organized. The scholars who have come together here in this conference in Yerevan from different corners of the world have had their important contribution to this cause. Nevertheless, the recurrence of genocide or its threat is not a turned page for the humanity.

The denials of genocides, the impunity pave the way for the repetition of new crimes against humanity. Independent of geopolitical or other interests the international community should stand together in the condemnation of genocide, in its prevention. It is due to the absence of this unanimity that humanity witnesses new attempts to committing genocides.

It was in such a conference in Madrid in 1933 that Rafael Lemkin urged that if the international community were ever to prevent mass slaughter of the kind the Armenians had suffered, the world's states would have to unite to exclude that phenomenon. This goal is actual and I think you, academicians gathered here today, are motivated by it.

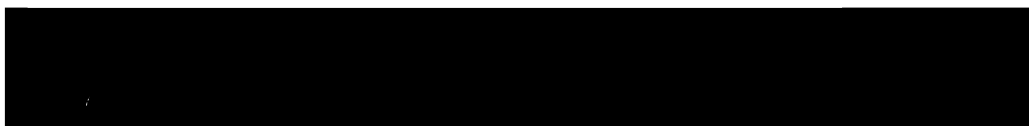
During the two-day conference you will probably be able to propose such approaches that would facilitate the ongoing struggle in the prevention, condemnation and elimination of the consequences of genocide.

The organization and hosting of this international conference in Armenia is symbolic. I would like to greet and thank the respected scholars and experts coming from France, Argentina, Switzerland, the Netherlands, Belgium, Greece, Italy, Germany, Denmark, Ireland, Hungary, USA, Canada, Australia, Lebanon, Egypt, Israel and Japan.

Dear guests,

The President of the Republic of Armenia, Mr. Serzh Sargsyan is invited to deliver the opening speech of the conference.

Please, Mr. President!



On December 14-15, 2010, the Ministry of Foreign Affairs of the Republic of Armenia, in cooperation with the Armenian Genocide Museum-Institute organized and conducted an international conference entitled “The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences” in the context of the UN Convention on the “Prevention and Punishment of the Crime of Genocide”.

Mr. Edward Nalbandian, the Minister of Foreign Affairs opened the conference, followed by the speech by Mr. Serzh Sargsyan, the President of the Republic of Armenia.

Prominent genocide scholars from around 20 countries participated in the Conference, including Yves Ternon (France), Leandro Despouy (Argentina), Israel Charny (Israel), William Schabas (Ireland), Taner Akcam (USA-Germany), Richard Hovhannisian, (USA) Tessa Hofmann (Germany), Frank Chalk (Canada), Vahakn Dadrian (USA) and others.

On the following day of the commencement of the “The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences” Conference, the participants visited the Tsitsernakaberd Memorial and Museum of the Armenian Genocide Victims. They laid a wreath at the eternal flame and honored the memory of the innocent victims with a minute of silence. Afterwards, the representatives of the international delegation visited the Armenian Genocide Museum and got acquainted with the exhibition and then they planted a fir in the Alley of Tsitsernakaberd.

In those days by the order of the President Serzh Sargsyan the eminent diplomat and lawyer Dr. Leandro Despouy (Argentina) was awarded with the “Mkhitar Gosh” medal for his contribution to the international recognition of the Armenian Genocide. This Yerevan Conference brought its significant contribution to the coverage of the crime of genocide, its condemnation and prevention, as well as the international recognition of the crimes against humanity.

As President Sargsyan stressed in his speech “this event is also important in the context of the elaboration of clear approaches and conceptual documents on the elimination of the consequences of the genocide”.

The current proceedings include the speeches of the participants of the Yerevan Conference, genocide scholars, as well as photos and other materials related to the event.

ARMAN KIRAKOSSIAN

Deputy Minister of Foreign Affairs
Republic of Armenia



LE RÔLE DÉTERMINANT DE RAFAEL LEMKIN DANS L'ÉLABORATION ET L'ADOPTION DE LA CONVENTION DE 1948 SUR LA PRÉVENTION ET LA RÉPRESSION DU CRIME DE GÉNOCIDE

Decisive Role of Rafael Lemkin in Elaboration and Adoption of the Convention of 1948

En 1941, un juriste polonais réfugié aux États-Unis depuis peu, Rafael Lemkin, prend connaissance du discours prononcé le 24 août 1941, deux mois après l'invasion de l'URSS, par Winston Churchill à la BBC. Évoquant la cruauté sans précédent de l'agression allemande, il dit : « Nous sommes en présence d'un crime sans nom ». Lemkin allait donner un nom à ce crime: « génocide ». Si nous sommes réunis aujourd'hui pour parler du crime de génocide, c'est parce que Lemkin a identifié cette infraction. Il a consacré sa vie à l'introduire dans une convention de droit pénal international.

Né juif en 1900 dans un village de la Russie tsariste devenu polonais en 1918, Rafael Lemkin commence en

1920 des études de philologie. En 1921, il est informé du procès intenté à Berlin à Soghomon Tehlirian qui vient d'assassiner Talaat Pacha. Il se demande alors pourquoi Tehlirian est accusé d'un crime parce qu'il a tué un homme, alors que ce ne serait pas un crime de tuer plus d'un million de personnes. Il estime que la souveraineté d'un État ne peut conférer à cet État le droit de mettre à mort des millions d'innocents. Le jeune homme abandonne alors la philologie pour étudier le droit. Il poursuivra des recherches historiques sur les massacres des Arméniens, accumulant une documentation que l'on a trouvé dans ses archives, mais qu'il n'a pas publiée. Devenu juriste, Lemkin centre ses travaux sur les agressions des États

vie à poursuivre cette réflexion et à lutter pour que de tels crimes soient reconnus et jugés. Il participe aux conférences pour l'unification du droit pénal qui se tiennent à partir de 1927 à Varsovie, puis à Bruxelles et à Copenhague. En octobre 1933, il ne peut se rendre à la conférence de Madrid, le ministère de la Justice s'opposant à son voyage : il est juif et le gouvernement polonais, alors antisémite et en négociation avec l'Allemagne nazie pour un pacte de non-agression, ne veut pas blesser ses « amis allemands ». Son rapport est néanmoins présenté, mais son projet n'est pas accepté. Lemkin y formule le concept de deux nouveaux crimes qu'il propose d'introduire dans le droit pénal interne des trente-sept États participants : « le crime de barbarie », actes d'oppression et de destruction dirigés contre des individus membres d'un groupe national, ethnique ou religieux ; « crime de vandalisme », destruction intentionnelle d'œuvres artistiques et culturelles qui sont les créations spécifiques du génie de ces groupes et constitue son patrimoine.

En septembre 1939, Lemkin n'est pas mobilisé. C'est une personnalité connue et il se sait menacé par les nazis. Il ne parvient pas à convaincre ses parents de s'exiler avec lui. Non sans mal, il atteint Vilnius, alors occupée par l'Armée rouge. Ses relations en Suède lui permettent d'obtenir un visa pour ce pays. Par Riga, il se rend à Stockholm où il

continue à réunir des textes sur les lois et décrets adoptés par les nazis, afin de compléter la documentation qu'il a déjà colligée. Dès qu'il a obtenu ses visas pour l'URSS, le Japon et les États-Unis, il se rend à Moscou, puis à Vladivostok, au Japon, à Vancouver, avant d'atteindre Chicago où il est accueilli solennellement. Il entre en relation avec le responsable de la section juridique de la bibliothèque du Congrès, John Vance, et traduit en anglais, pour le War Department, un recueil de décrets nazis qui paraît en 1942. Fin janvier 1942, il a été nommé consultant au Board of Economic Warfare de Washington. Tandis que s'accumulent les preuves de la destruction des Juifs d'Europe, il ne parvient pas à convaincre ses collègues de la spécificité de cette extermination. Il rédige un mémorandum pour le président Roosevelt. Lemkin projette de publier un livre et trouve le soutien du directeur du département de droit international de la Fondation Carnegie pour la paix, George Finch. Ce livre est achevé en novembre 1943, mais il n'est publié qu'un an plus tard. C'est *Axis Rule in Occupied Europe*, un recueil de 712 pages de ces lois et décrets que Lemkin a patiemment colligés. Le chapitre IX de ce livre est intitulé « Génocide. Un nouveau terme et une nouvelle conception pour la destruction des nations ». Il commence ainsi :

De nouvelles conceptions exigent des termes nouveaux. Par « génocide nous