Genocides

Why in news?

Washington and Kyiv are accusing Russia of genocide in Ukraine, but the ultimate war crime has a strict legal definition and has rarely been proven in court.

What is genocide?

- The 1948 Genocide Convention defines genocide as crimes committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.
- A genocide is a crime that can take place both in time of war as well as in time of peace.
- Criminal acts comprising genocide include killing members of the group, causing them serious bodily or mental harm, creating conditions calculated to destroy them, preventing births, or forcibly transferring children to other groups.
- Three cases so far have met international courts' threshold
    - The Cambodian Khmer Rouge's slaughter of minority Cham people and Vietnamese in the 1970s
    - The 1994 mass killing of Tutsis in Rwanda
    - The 1995 Srebrenica massacre of Muslim men and boys in Bosnia

The Genocide Convention was the first human rights treaty adopted by the United Nations General Assembly in 1948 after the atrocities committed during the Second World War. India is a party to the Convention.

How to prove the genocide?

- To establish genocide, prosecutors must first show that the victims were part of a distinct national, ethnic, racial or religious group.
- This excludes groups targeted for political beliefs.
- Genocide is harder to show than other violations of international humanitarian law, such as war crimes and crimes against humanity, because it requires evidence of specific intent.
- **Acussation by Ukraine and the U.S**.- They accussed Russia of trying to wipe out the idea of being able to be Ukrainian.
- **Russia's stand**- Russia has called the attack against its smaller neighbour "a special operation" to halt genocide against Russian speakers in Ukraine.

What are the other cases of genocide?

The International Criminal Court (ICC) and The International Court of Justice (ICJ) has jurisdiction over genocide.

- **Past cases**- The International Criminal Tribunal for Rwanda convicted dozens of senior officials, all of them Hutus, of genocide against Tutsis.
- In 2018, a hybrid U.N.-Cambodian tribunal found two leaders of Cambodia's Khmer Rouge guilty of genocide.
- The International Criminal Tribunal for the former Yugoslavia convicted several key figures of genocide for their roles in the Srebrenica killings during the Balkan wars of the 1990s.
- **Present cases**- The ICC previously issued an arrest warrant on charges of genocide against former Sudanese President Omar al-Bashir, but his trial cannot begin until he is in custody in The Hague.
- The ICJ is hearing two cases
    - Claims that Myanmar has committed genocide against Rohingya Muslims.
    - Claims by Ukraine that Russia is using accusations of genocide as a false pretext for invasion.

References

1. https://indianexpress.com/article/explained/what-is-genocide-russia-ukraine-war-7868827/
2. https://www.un.org/securitycouncil/content/repertoire/international-tribunals
3. https://www.un.org/en/genocideprevention/genocide-convention.shtml

Quick facts

The International Residual Mechanism for Criminal Tribunals

- It was established by the Security Council through the adoption of resolution in 2010.
- It consists of two branches corresponding to the two tribunals.
- The International Criminal Tribunal for Rwanda (ICTR) branch is located in Arusha, Tanzania.
- The International Criminal Tribunal for the former Yugoslavia (ICTY) branch is located in Hague.

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