

What is Genocide?

Conference of Learned Friends
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Errr...about me

- From October 2004, helped Steven Kay QC when he was court-appointed as defence counsel to Milosevic at the ICTY.
- From March 2005, was a UN prosecution advocate in four genocide trials at the ICTR – where I helped to write the argument that rape can be a species of genocide; and that there should be pan-global recognition, and judicial notice, that events in Rwanda were legally a ‘genocide’; I also taught revised eic and cx techniques to prosecution and defence, for dealing with rape sensitivities.
- Was briefly to join the Saddam Hussein defence of the Halabja gassings, trial 2, though he was hanged in December 2006 after trial 1.
- From March 2009, was the senior trial advocate responsible for packaging phone intel as admissible evidence, and then writing the Hariri indictment against 5 Hezbollah operatives.
- From February 2013, collated materials on drone strikes in six countries to assist Ben Emmerson QC as a platform for his legal analysis of drone use.
- Current Chair of the Nuba-Nile Committee, lobbying through support in the Lords for recognition that there is a genocide taking place in the Khordofan and Blue Nile regions of the South of Sudan.
- Current Chair of the FCO pro bono panel advising consulates on due process and fair trial issues for arrested UK nationals abroad.

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Temporary International Tribunals

ICTY

ICTR

ECCC

STL

SPDDC

SCSL

Eulex, Brussels

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Domestic courts

Bosnia

Serbia

Kosovo

Croatia

Sierra Leone

Rwanda

Tanzania

Norway

Sweden

Belgium

Canada

England

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International Criminal Court

A permanent court

- 2002
- 122
- \$120m annually
- The Hague
- New building

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly on 9 December 1948 as General Assembly Resolution 260.

The Convention entered into force on 12 January 1951.

All participating countries are advised to prevent and punish actions of genocide in war and in peacetime. The number of states that have ratified the convention is currently 144.

Definition of genocide

Article 2 of the Convention defines genocide as:

...any of the following acts committed with **intent to destroy, in whole or in part**, a **national, ethnical, racial or religious** group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or **mental harm** to members of the group;
- (c) Deliberately inflicting on the group **conditions of life** calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 3 defines the crimes that can be punished under the convention:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

The convention was passed to outlaw actions similar to the Holocaust by Nazi Germany during World War II.

The first draft of the Convention included political killings, but the USSR along with some other nations would not accept that actions against groups identified as holding similar political opinions or social status would constitute genocide, so these stipulations were subsequently removed in a political and diplomatic compromise.

‘Genocide’ is a word coined by Raphael Lemkin in 1944 from:

- *genos* (Greek: birth, kind, race) and
- an English suffix *-cide*, meaning ‘to kill’, like ‘homicide’, or ‘fratricide’.

Its literal meaning is ‘**to kill a kind**’.

Article 6 of the Rome Statute

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

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Date	Author	Definition
1944	Raphael Lemkin	By 'genocide' we mean the destruction of an ethnic group Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups (Axis Rule in Occupied Europe ix. 79)
1945	Count 3 of the indictment of the 24 Nazi leaders at the Nuremberg Trials	They (the defendants) conducted deliberate and systematic genocide - viz., the extermination of racial and national groups - against the civilian populations of certain occupied territories in order to destroy particular races and classes of people, and national, racial or religious groups, particularly Jews, Poles, Gypsies and others.
1946	Raphael Lemkin	The crime of genocide should be recognized therein as a conspiracy to exterminate national, religious or racial groups. The overt acts of such a conspiracy may consist of attacks against life, liberty or property of members of such groups merely because of their affiliation with such groups. The formulation of the crime may be as follows: "Whoever, while participating in a conspiracy to destroy a national, racial or religious group, undertakes an attack against life, liberty or property of members of such groups is guilty of the crime of genocide. (Genocide, American Scholar, Volume 15, no. 2 (April 1946), p. 227-230)

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1946	United Nations General Assembly Resolution 96 (I) (11 December)	Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, ... and is contrary to moral law and to the spirit and aims of the United Nations. ... The General Assembly, therefore, affirms that genocide is a crime under international law ... whether the crime is committed on religious, racial, political or any other grounds .
1948	The Convention on the Prevention and Punishment of the Crime of Genocide(CPPCG) was adopted by theUN General Assembly on 9 December 1948 and came into effect on 12 January 1951 (Resolution 260 (III)). Article 2:	Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group. (Article 2 CPPCG)
1959	Peter Drost	Genocide is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such. (<i>The Crime of State</i> , Volume 2, Leiden, 1959, p. 125.)
1975	Vahakn Dadrian	Genocide is the successful attempt by a dominant group, vested with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision for genocide. (<i>A Typology of Genocide</i>)

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1976	Irving Louis Horowitz	[Genocide is] a structural and systematic destruction of innocent people by a state bureaucratic apparatus. . . . Genocide represents a systematic effort over time to liquidate a national population, usually a minority . . . [and] functions as a fundamental political policy to assure conformity and participation of the citizenry. (<i>Genocide: State Power and Mass Murder</i>)
1981	Leo Kuper	I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic or religious differences. Then too, the genocides against racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict. However, I do not think it helpful to create new definitions of genocide, when there is an internationally recognized definition and a Genocide Convention which might become the basis for some effective action, however limited the underlying conception. But since it would vitiate the analysis to exclude political groups, I shall refer freely . . . to liquidating or exterminatory actions against them. (<i>Genocide: Its Political Use in the Twentieth Century</i>)
1982	Jack Nusan Porter	Genocide is the deliberate destruction, in whole or in part, by a government or its agents, of a racial, sexual, religious, tribal or political minority. It can involve not only mass murder, but also starvation, forced deportation, and political, economic and biological subjugation. Genocide involves three major components: ideology, technology, and bureaucracy/organization.

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1984	Yehuda Bauer	[Genocide is] the planned destruction, since the mid-nineteenth century, of a racial, national, or ethnic group as such, by the following means: (a) selective mass murder of elites or parts of the population; (b) elimination of national (racial, ethnic) culture and religious life with the intent of "denationalization"; (c) enslavement, with the same intent; (d) destruction of national (racial, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent. . . . [Holocaust is] the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group.
1987	Tony Barta	My conception of a genocidal society – as distinct from a genocidal state – is one in which the bureaucratic apparatus might officially be directed to protect innocent people but in which a whole race is nevertheless subject to remorseless pressures of destruction inherent in the very nature of the society. ("Relations of Genocide: Land and Lives in the Colonization of Australia", pp. 239–240.)
1987	Isidor Wallimann and Michael N. Dobkowski	Genocide is the deliberate, organized destruction, in whole or in large part, of racial or ethnic groups by a government or its agents. It can involve not only mass murder, but also forced deportation (ethnic cleansing), systematic rape, and economic and biological subjugation. (<i>Genocide and the Modern Age: Etiology and Case Studies of Mass Death</i> . Syracuse, NY: Syracuse University Press, 2000. Reissue of an early work.)

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1988	Henry Huttenbach	Genocide is any act that puts the very existence of a group in jeopardy. (<i>Locating the Holocaust on the genocide spectrum: towards a methodology of definition and categorization</i> , Holocaust and Genocide Studies. Vol 3, No 3, pp 289–303.)
1988	Helen Fein	Genocide is a series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity. (<i>Genocide: A Sociological Perspective</i> , London)
1988	Barbara Harff and Ted Gurr	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. (<i>Toward empirical theory of genocides and politicides</i> , <i>International Studies Quarterly</i> , 37:3, 1988)
1990	Frank Chalk and Kurt 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. (<i>The History and Sociology of Genocide: Analyses and Case Studies</i> , Yale University Press)

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1990	John L. P. Thompson and Gail A. Quets	In short, given the problems which arise from restrictions, we define genocide as the destruction of a group by purposive action. This allows the role of intentional action to be explored, different subtypes of genocide to be compared, and the impact of different factors on genocide to be examined empirically. ("Genocide and Social Conflict: A Partial Theory and Comparison", p. 248) ^[24]
1993	Helen Fein	Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim. (<i>Genocide: A Sociological Perspective</i> , 1993/1990)
1994	Steven T. Katz	[Genocide is] the actualization of the intent, however successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means. (<i>The Holocaust in Historical Perspective</i> , Vol. 1, 1994) [Modified by Adam Jones in 2000 to read, "murder in whole or in substantial part. ..."]
1994	Israel Charny	Genocide in the generic sense means the mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim. (<i>Genocide: Conceptual and Historical Dimensions</i> ed. George Andreopoulos)
1996	Irving Louis Horowitz	Genocide is herein defined as a structural and systematic destruction of innocent people by a state bureaucratic apparatus [emphasis in original]. . . . Genocide mean the physical dismemberment and liquidation of people on large scales, an attempt by those who rule to achieve the total elimination of a subject people.

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2002	The Rome Statute of the International Criminal Court	Article 6 of the Rome Statute provides that 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.
2003	Barbara Harff	Genocides and politicides are the promotion, execution, and/or implied consent of sustained policies by governing elites or their agents — or, in the case of civil war either of the contending authorities — that are intended to destroy, in whole or part, a communal, political, or politicized ethnic group.
2007	Martin Shaw	Genocide is a form of violent social conflict or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist this destruction. Genocidal action is action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups.

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Earlier genocide

Apes
Troy
Carthage
Vikings
Genghis Khan
Amir Timur
European Religious Wars
Incas & Aztecs – native South and Latin Americans

19th century genocide

Native North Americans
Errr...Native Australians

20th century genocide

Namibia
Armenia
Ethiopia
Europe
Vietnam
Cambodia
Iraq
Rwanda
Bosnia

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Herero Executions in German South West Africa – 1907
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21st century genocide

Iraq
Syria
Isis
Afghanistan
Sudan
Pakistan
Yemen

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