STOPPING GENOCIDE

One of the people horrified by the slaughter of the Assyrians was the young Jewish jurist Raphael Lemkin (1900–1959), who lived in Warsaw and dreamed of an international law forbidding what Winston Churchill had termed "a crime without a name." Lemkin's ideas were based largely on the still earlier Armenian experience at the hands of the Ottoman Turks during the World War I, but also on the early reports of German mass atrocities in the Second World War. As early as December 1933, Lemkin had prepared an essay entitled "Crime of Barbarity" for a conference of the Legal Council of the League of Nations in Madrid, Spain. In it Lemkin argued in favor of an international law punishing mass murder, but the world was not yet ready for the idea.

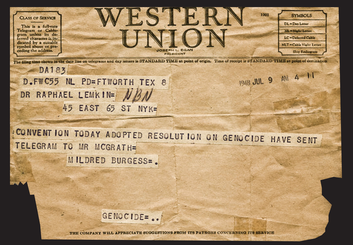
From that time Raphael Lemkin dedicated his life to advocating his idea. In 1944, he published an article in which he used the word "genocide" for the first time. The Nazis were still engaged in their annihilation of the Jews and bloody repressions and persecutions of other groups. The matter of how to punish the perpetrators was acute. The word "genocide" soon entered many languages and quickly became an international term. The punishment of some of the worst criminals of the Nazi regime had been underway for three years when in 1948, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide.

Raphael Lemkin (1900–1959)

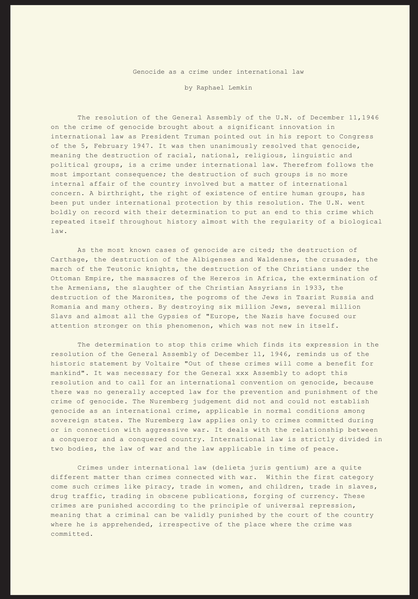
Raphael Lemkin, a Jewish jurist from Warsaw, was stunned by Armenian and Assyrian massacres when he learned about them. He managed to flee Poland after the Nazi occupation in 1939, went to Sweden, and then made his way to the United States, where he worked in international law.

Lemkin's ID

Raphael Lemkin worked as a legal adviser in the U.S. War Department



Telegram from Mildred Burgess



Genocide as a crime under international law

by Raphael Lemkin

The resolution of the General Assembly of the U.N. of December 11,1946 on the crime of genocide brought about a significant innovation in international law as President Truman pointed out in his report to Congress of the 5, February 1947. It was then unanimously resolved that genocide, meaning the destruction of racial, national, religious, linguistic and political groups, is a crime under international law. Therefrom follows the most important consequence; the destruction of such groups is no more internal affair of the country involved but a matter of international concern. A birthright, the right of existence of entire human groups, has been put under international protection by this resolution. The U.N. went boldly on record with their determination to put an end to this crime which repeated itself throughout history almost with the regularity of a biological law.

As the most known cases of genocide are cited; the destruction of Carthage, the destruction of the Albigenses and Waldenses, the crusades, the march of the Teutonic knights, the destruction of the Christians under the Ottoman Empire, the massacres of the Hereros in Africa, the extermination of the Armenians, the slaughter of the Christian Assyrians in 1933, the destruction of the Maronites, the pogroms of the Jews in Tsarist Russia and Romania and many others. By destroying six million Jews, several million Slavs and almost all the Gypsies of "Europe, the Nazis have focused our attention stronger on this phenomenon, which was not new in itself.

The determination to stop this crime which finds its expression in the resolution of the General Assembly of December 11, 1946, reminds us of the historic statement by Voltaire "Out of these crimes will come a benefit for mankind". It was necessary for the General xxx Assembly to adopt this resolution and to call for an international convention on genocide, because there was no generally accepted law for the prevention and punishment of the crime of genocide. The Nuremberg judgement did not and could not establish genocide as an international crime, applicable in normal conditions among sovereign states. The Nuremberg law applies only to crimes committed during or in connection with aggressive war. It deals with the relationship between a conqueror and a conquered country. International law is strictly divided in two bodies, the law of war and the law applicable in time of peace.

Crimes under international law (delieta juris gentium) are a quite different matter than crimes connected with war. Within the first category come such crimes like piracy, trade in women, and children, trade in slaves, drug traffic, trading in obscene publications, forging of currency. These crimes are punished according to the principle of universal repression, meaning that a criminal can be validly punished by the court of the country where he is apprehended, irrespective of the place where the crime was committed.

geno·cide \'jen-e-'sid\ *n* (1944) :

[*géno(s) race + -cide*] a learned borrowing from Latin meaning "killer,""act of killing," used in the formation of compound words: The deliberate & systematic extermination of a national, racial, political, or cultural group.

June 26, 1947
United Nations, New York

The Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted on December 9, 1948.

December 16, 1949
United Nations, New York

(from left to right) Mr. K.V. Kiselev, Belorussian Minister of Foreign Affairs; Mr. Alexander Panyushkin, USSR Ambassador to the United States; Mr. Ivan Kerno, Assistant Secretary-General for the Department of Legal Affairs of the U.N.; and Mr. Alexei D. Voina, Ukrainian Deputy Foreign Minister, signing the Convention on the Prevention and Punishment of the Crime of Genocide.

Representatives of four states who ratified the Genocide Convention on October 14, 1950

(seated, left to right) Dr. John P. Chang (Korea), Dr. Jean Price-Mars (Haiti), Assembly President Amb. Nasrollah Entezam (Iran), Amb. Jean Chauvel (France), Mr. Ruben Esquivel de la Guardia (Costa Rica), (standing, left to right) Dr. Ivan Kerno (Asst. Secretary General for Legal Affairs), Mr. Trygve Lie (Secretary-General of U.N.), Mr. Manuel A. Fournier Acuna (Costa Rica), and Dr. Raphael Lemkin (crusader for the Genocide Convention). Lake Success, New York, October 14, 1950.

United Nations, New York

Plenary Meeting of the UN General Assembly in 1948