



CONCEPT NOTE

Seminar on the Prevention of Genocide

21 January 2009

Conference Room XII – Palais des Nations

Geneva – Switzerland

Introduction

1. On 27 March 2008, the Human Rights Council unanimously adopted Resolution 7/25 entitled “the Prevention of Genocide”. Paragraph 17 of the Resolution invites “*the High Commissioner, as part of the commemorative events, and as an important contribution to developing preventive strategies, to organize, within existing resources, a seminar on the prevention of genocide, with the participation of States, relevant United Nations entities and other international and regional organizations, civil society, and academic and research bodies, and to publish a paper on the outcome of the seminar*”. In her first address to the UN Human Rights Council in September 2008, High Commissioner for Human Rights Navi Pillay informed the Council that she will be acting upon its March request and that her Office is currently planning a seminar on the prevention of genocide.
2. On 9 December 2008, the international community commemorated the 60th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide. The anniversary provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to redouble their efforts for the prevention and punishment of the crime of genocide. It also offers an important opportunity to explore strategies that can be adopted to prevent this most heinous crime. On the occasion of marking the Convention’s anniversary, High Commissioner Pillay reiterated that the ultimate responsibility for preventing genocide lies with states. She stressed the need for States to incorporate the crime of genocide in national legislation, and to set up prevention mechanisms.

Background and Justification

3. The Convention on the Prevention and Punishment of the Crime of Genocide, which has now 140 State Parties with additional 41 States as signatories, defines the crime of genocide and considers that the following acts shall be punishable: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. . Furthermore, it stipulates that persons committing genocide or the other acts listed above should be punished, whether they are constitutionally responsible rulers, public officials or private individuals. Through the Convention, the Contracting Parties pledge to undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in it. The Convention also requires that persons charged with genocide or any of the other acts enumerated in Convention be tried by a competent tribunal of the State in the territory of which the act was committed, or by an international penal tribunal. The Convention underscores that genocide and the other acts enumerated in the Convention cannot be

considered as political crimes for the purpose of extradition and requires States, when requested, to grant extradition in accordance with their laws and treaties in force. Significantly, the Convention empowers any Contracting Party to call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in the Convention.

4. During the last decade, some concrete steps have been taken to strengthen the structures that can punish genocide. This was particularly done through the establishment of the two UN ad-hoc tribunals for Former Yugoslavia and Rwanda and the International Criminal Court, and through national prosecution. Much still needs to be done to enhance the mechanisms related to prevention.
5. On 7 April 2004, in his address to the Commission on Human Rights on the occasion of a special meeting to observe the International Day of Reflection on the 1994 Genocide in Rwanda, the former UN Secretary-General outlined a Five Point Action Plan to prevent genocide, which included the following: (a) preventing armed conflict, which usually provides the context for genocide; (b) protection of civilians in armed conflict including a mandate for United Nations peacekeepers to protect civilians; (c) ending impunity through judicial action in both national and international courts; (d) early and clear warning of situations that could potentially degenerate into genocide and the development of a United Nation's capacity to analyze and manage information; and (e) swift and decisive action along a continuum of steps, including military action. Subsequently, the Secretary-General appointed a special advisor on the prevention of genocide.
6. The 2005 World Summit Outcome Document adopted by the High-level Plenary Meeting of the sixtieth session of the General Assembly (resolution 60/1) includes a section entitled, "Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". Under this heading, Member States stated that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (paragraph 138). Member States recognized that the international community, through the United Nations, also has a responsibility to assist states to meet their protection obligations and to respond in cases of manifest failure (paragraph 139). Both paragraphs emphasize early warning, prevention and support from the international community in helping States build the capacity to protect.
7. In resolution 7/25, the Human Rights Council unanimously reaffirmed the Council's full support for the mandate of the Special Advisor on the Prevention of Genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide. It encouraged the Special Advisor and the High Commissioner for Human Rights to further enhance the systematic exchange of information between the two offices and between the Special Advisor and relevant special procedures.

The Seminar

8. Pursuant to the Human Rights Council Resolution 7/25, the Office of the High Commissioner for Human rights (OHCHR) intends organize a seminar on the Prevention of Genocide. The seminar will take place on 21 January 2009 in Conference Room XIX – Palais des Nations. It will be chaired by the High

Commissioner for Human Rights. The Special Advisor on the Prevention of Genocide will also participate in the seminar.

9. The objectives of the seminar are as follows:
 - To commemorate the 60th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide
 - To discuss preventive strategies, initiatives and mechanisms those currently exist within the United Nations Human Rights System, and the role of member States, regional bodies and other entities in the prevention.
10. The seminar will bring together States, relevant United Nations entities and other international and regional organizations, civil society, and academic and research bodies. Experts will be invited to share their views and experiences with participants.
11. The seminar will be structured around expert panels and will be divided in an opening session and two substantive sessions around the following themes:
 - Session 1: Legal and judicial systems and the prevention and punishment of genocide: Where are we today?
 - Session 2: Special Procedure and Human Rights Treaty Bodies in the Prevention of Genocide: Is there any gap?
12. **Outcome:** OHCHR will prepare and publish a paper on the outcome of the seminar, as requested by Resolution 7/25.