

**ADDRESS TO THE
INTERNATIONAL CONFERENCE**

“Ultimate Crime, Ultimate Challenge—Human Rights and Genocide”
Yerevan, Armenia, April 20, 2005

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H.E. President Robert Kocharian; Honorable Karekin II, Catholicos of All Armenians; esteemed dignitaries of Armenia and representatives of other countries; colleagues; ladies and gentlemen:

I am deeply honored by the invitation I have received from the Government of Armenia to participate in this commemoration and to share with you a renewed commitment to do all we can to prevent episodes like the one that started 90 years ago today from ever happening again. As an official of the United Nations I bring you the salutation of thousands of my colleagues that labor day and night to prevent conflict, to stand by victims of human rights abuses and to insist on redressing those violations. We salute the Armenian people and its Government for your determination not to let the world forget the events of 90 years ago and for your insistence on using the tools of international law to prevent their repetition anywhere in the world.

- The title of this International Conference is appropriate. Within the repertoire of horrors that humankind has inflicted on its fellow kin, Genocide indeed stands out as the ultimate crime. It is not only a crime against humanity by its very definition; it includes also the aggravating factor of the specific intent to destroy “in whole or in part” a group of persons because of their common cultural identity as race, ethnicity, religion or national origin. Preventing genocide in our time has indeed become the ultimate challenge to the international community, as the title of this conference suggests. We are all ashamed at not having done all we could to prevent genocide from happening again in the 1990s, despite the lessons we had learned from the early part of the century and from the Holocaust and World War II. I would add that this is a challenge of particular importance for me since my appointment in July of last year as Special Adviser to the UN Secretary-General on the Prevention of Genocide. It is a difficult, challenging job, for which I find strength in the common understanding we share across cultures, religions and nationalities: that the prohibition of genocide is recognized as a legal obligation deriving from the 1948 Convention and its rapid emergence as a norm of *jus cogens*: an imperative principle of customary law that obligates all nations regardless of whether they choose to sign and ratify a treaty. Thus, preventing genocide is a principle of international law so fundamental that no nation may ignore it.

Excellencies and colleagues,

- For all of its progress, humanity has experienced untold horrors. Repeatedly, mankind has demonstrated that its technological advancements can be put to the service of death. The twentieth century opened with large-scale killings, including of Armenians, in which

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untold numbers died. It is important to honor the memory of these events and to thwart their reoccurrence.

- It wasn't until 1948, with the memory of the Holocaust fresh on the international community's mind, that the name *genocide* was given to acts committed with intent to destroy in whole or in part a national, ethnical, racial or religious group.
- Armenia's own history is an important element in explaining its commitment to measures to prevent genocide. At the annual meeting of the UN Commission on Human Rights, Armenia introduced a resolution on the 50th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and has sponsored yearly resolutions since then. The resolution being discussed in Geneva as we speak includes a reference to my mandate as Special Advisor on Prevention of Genocide, for which I am grateful to Armenia and its other sponsors.
- The atrocities of the past and our failure to avert them or respond to them compel us to take effective preventive action. The Secretary-General announced the creation of the office of Special Adviser on the Prevention of Genocide during a ceremony at the UN Commission on Human Rights commemorating the tenth Anniversary of the Rwandan genocide, in April 2004.
- The purpose of the Special Adviser is not to determine whether genocide has occurred or is occurring, but to propose steps to prevent it. The last paragraph of the outline of my mandate states clearly that "the Special Adviser would not make a determination on whether genocide within the meaning of the Convention had occurred." I prefer to see this limitation, not as a reflection of political sensitivities but as a practical requirement derived from the preventive character of my mandate. If I were to make a pronouncement that genocide was taking place that action itself would reflect my failure to provide a timely alert that a situation was heading down a dangerous slope. My role is to provide early warning before all the elements that constitute the definition of genocide under the Convention are present and to suggest appropriate action that may alter such a course of events. I am approaching my mandate pragmatically. Too often the debate over whether genocide is occurring has become more important than taking action to reverse the situation and prevent further violations. The international community allows the debate over the use of the word "genocide" to become a substitute for action to prevent it. I feel very strongly that the obligation to act to defend innocent victims and protect them from harm is triggered by genocide but also by other widespread or systematic violations like crimes against humanity and war crimes. These are equally grave occurrences that we are duty-bound to prevent and punish.
- My office is a human rights mechanism in that I am asked to speak independently and to use my good offices to persuade actors from refraining from actions that can cause massive loss of life. But my mandate is, in an important way, different from other human rights mechanisms. In addition to human rights it straddles aspects related to international peace and security and conflict prevention, making explicit the link between massive and systematic violations of human rights and threats to international peace and

security. Another important difference is that my mandate finds its source in a Security Council Resolution of 2001, and for that reason it was created by the Secretary General rather than by the Commission on Human Rights.

- Indeed, genocide most often takes place in the context of armed conflict. Situations of war provide the cover under which genocidal campaigns unfold. In this respect, the efforts of the international community to prevent armed conflict are an important step in countering genocide.
- When conflict threatens to result in genocide, however, more specific information and action is needed. We must see the signs pointing towards wide scale violations of human rights and international humanitarian law with an ethnic, racial, religious or national character, and be willing to take corrective steps early on.
- There is no exclusive checklist to guide our effort to recognize warning signs of a trend towards genocide. Nonetheless, history has shown us that we must be alert to a number of factors. We must be aware of instances of discrimination against specific groups within societies. We must pay attention to the use of media to incite hatred and promote violence. We must be vigilant about the existence of militias or paramilitary groups that may become the promoters of extermination campaigns. We must watch out for situations in which a lack of accountability prevails for crimes already committed. We must be aware of forced relocations as well as situations in which humanitarian assistance is withheld or access to essential services is impeded – especially, though not exclusively, when those services are crucial to survival.
- In my own work, I have developed close contact with UN offices, agencies and programs to ensure that information gathered within the UN and that could point towards the development of situations of risk of genocide is brought to the attention of my office and acted upon. To ensure that I obtain information from as many sources as possible and from different angles, I have reached out to non-governmental organizations and academics with an expertise in genocide studies and conflict prevention. I am pleased to say that some of best-known experts on prevention of genocide have begun to act as informal advisors to my office, and their assistance has been invaluable as we attempt to gain knowledge on the background of conflicts that can deteriorate into genocide, as well as on the way we can identify factors leading to genocide and those that can act as effective brakes. Given the growing importance of regional organizations in matters related to peace and security, I have begun collaborating with organizations such as the African Union.
- It is important that we approach the prevention of genocide from a multidisciplinary perspective. I am gratified to see that this conference brings together expertise from a number of domains and I look forward to a fruitful discussion that will enrich our common efforts to prevent genocide from occurring again.
- I should make it clear that my mandate is not limited to early warning: it also calls on me to suggest forms of *early action* that the international community can adopt to affect

change in situations that, if left unchecked, will result in genocide. Early warning requires me to organize a system of information about conflicts around the world so that we can reasonably predict their evolution. Early action is just as challenging, because it requires me to suggest specific, practical measures that can be adopted to affect the course of events so that those conflicts are contained and do not descend into the hell of genocide.

- The difficulty is that each conflict is different, and that what works in one context cannot be guaranteed to be effective in another. The ultimate recourse in my office is that I can ask the Security Council, through the Secretary General, to take certain measures. It stands to reason, however, that I have to devise other initiatives that do not involve the Security Council and that can be equally effective. I am asked, therefore, to use my judgment in taking some public initiatives on my own, talking to the media or writing opinion pieces, and also embarking in some “quiet diplomacy” initiatives involving other protagonists: holders of human rights mandates in the UN, regional bodies, and representatives of nations that can exert some positive influence on the actors on the ground.
- At whatever level I attempt early action initiatives, I must also think of what constitutes effective preventive measures. The temptation is great to think of prevention in very short term, practical ways. In that sense, most of the initiatives I have taken so far are meant to offer protection to populations at risk, and protection of an immediate character via the presence of neutral armed forces, of international police or of international civilian monitors and relief workers. I am convinced, however, that we must also think of prevention in a longer chronogram, so that we offer practical solutions that can be implemented over a matter of weeks and months and even years, and that are tailored to the evolution of events, some of which can be safely predicted (for example, in connection to an election or change of government).
- Both in the short and long term, prevention of genocide seems predicated on acting – if possible simultaneously – on four fronts: protection, accountability, humanitarian relief, and peace-making. Protection of populations at risk will sometimes require deployment of international forces, both military and police forces. Occasionally the only way to prevent a humanitarian catastrophe will be to order such deployment regardless of the consent of the local authorities. We must be ready to take that ultimate step, but we must also act with a sense of responsibility not to make matters worse; recent examples of non-consensual use of force do not give us any sense of comfort that such actions will always help and never hurt the innocent. For the most part, however, it is possible to deploy international protective forces with the consent of the government involved, and if that possibility is available it will always be preferable.
- Accountability, in the form of punishment for the crimes against humanity and war crimes already committed (and of course of genocide, if a case is made) is crucial to prevention. The sense of impunity for the crimes already committed breeds insecurity among the populations at risk and creates an incentive for repetition among the perpetrators. Breaking the cycle of impunity is greatly aided by the existence of an

institution like the permanent International Criminal Court. However, we must realize that it will be important to press the domestic judicial authorities to assume their responsibilities, and for civil society to contribute efforts towards a comprehensive set of policy prescriptions that will meet everybody's expectations of justice and do so with respect for international standards of fair trial and due process.

- Humanitarian relief is important to prevent loss of life from continuing after the initial killings have ceased, and also to avoid the aspect of genocide consisting in rendering populations at risk in conditions of life designed to produce their extinction. In addition, by their very presence international civilian monitors and relief workers provide a measure of protection to the people they serve.
- Finally, it is important to pursue ultimate resolution to the conflicts that can deteriorate into genocide. For that it is important to deploy all our strengths, talents and imagination in bringing the parties to a negotiation table, and to press them into taking those negotiations seriously. Peace will be the ultimate prevention of genocide, but in order to have that effect it must be a lasting peace, peace that does not leave behind winners and losers and that is more than a cessation of hostilities. Especially, it must be a peace that does not allow perpetrators their blackmail nor reward them with impunity. The resolution must not leave open wounds in societies that will erupt in future conflict down the road. In other words, what we must strive for is peace with justice.

Your Excellencies, colleagues, friends:

In all of these endeavors we are guided essentially by memory. Memory is our way of honoring the victims and their relatives and signifying to them that the horrors that they suffered are not compounded by the new crime of oblivion. Memory is also what allows us to say that we learn from the past, and particularly that we learn from our mistakes and resolve not to commit them again. In that sense, allow me to finish my remarks with a renewed word of gratitude to the Armenian people and government for their contribution to our common task.