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CONFRONTING GENOCIDE

Edited by
RENÉ PROVOST
and
PAYAM AKHAVAN

Springer
This book is dedicated to anyone who takes a step, however small it may be, to try to prevent genocide.
Acknowledgements

This book is devoted to exploring this new approach to an age-old problem. The essays were written in the wake of the remarkably diverse and original presentations delivered at the Global Conference on the Prevention of Genocide held at McGill University in Montreal. This was a unique gathering devoted to the idea that intelligent foresight and moral commitment to take timely action has the potential to stop the deluge before millions are drowned. The Conference brought together hundreds of exceptional participants, including genocide survivors, Nobel prize laureates, Pulitzer prize winners, acclaimed scholars and authors, illustrious statesmen and diplomats, media personalities, and other prominent figures, as well as 36 young student leaders from 22 different countries around the world. All sessions of the conference may be viewed at www.efchr.mcgill.ca. The essays in this book, authored by some of the conference participants, represent a sample of the rich and extraordinary exchange that took place in an effort to share this cumulative knowledge and wisdom with an even wider audience. We wish to acknowledge the Echenberg Family Foundation and its founder Gordon Echenberg, whose commitment made possible this first in a series of global conferences on human rights at McGill University. We also wish to express our gratitude to Nandini Ramanujam, Mary Race, Kirk Shannon and Nour Dib for their contributions to the preparation of this volume.

Montreal, Québec
15 June 2010

René Provost
Payam Akhavan
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Payam Akhavan, a professor of Law at McGill University, was the first Legal Advisor to the Prosecutor Office of the International Criminal Tribunals for Former Yugoslavia and Rwanda and played a key role in the development of its foundational jurisprudence. He also has considerable experience in post-conflict peace-building and international dispute settlement, having advised the UN on transitional justice, appearing as counsel before international courts and tribunals on behalf of sovereigns, and serving on the board of directors of human rights NGOs, including the Iran Human Rights Documentation Centre in New Haven, of which he is also the president and co-founder. His work has been featured in the New York Times and, in recognition of his contributions to promoting accountability for human rights violations, he was selected by the World Economic Forum as a Young Global Leader in 2005.

Taner Akçam, a sociologist, historian and writer, was born in Ardahan province, Turkey, in 1953. He was granted political asylum in Germany after receiving a 10-year prison sentence for his involvement in politics related to democracy and human rights, which resulted in his adoption in 1976 by Amnesty International as a prisoner of conscience. He is the author of ten scholarly works of history and sociology, as well as numerous articles in Turkish, German and English. His latest publication is A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility (Metropolitan Books, 2006). Professor Akçam was one of the first academics to openly discuss the Armenian genocide by the Turkish Ottoman government in 1915. He is currently holder of the Kaloosdian/Mugar Chair in Armenian Genocide Studies at Clark University.

Jobb Arnold completed his MA in Social Psychology at the University of British Columbia and is currently a PhD candidate in the Cultural Studies program at Queen’s University in Kingston Ontario. His research focuses on the dynamics of rupture and re-articulation of social and individual meaning, and the micro-politics of identity in Rwanda and Northern Ireland. He has worked with the United Nations Development Programme as well as the
Canadian International Development Association in Rwanda, and as part of EU sponsored projects focused on community reconciliation in Belfast.

Wiebe Arts is a former Dutch Infantry NCO (1984–2000) and Historian, working as a Public Information Officer at the Dutch Veterans Institute. As a member of the Royal Netherlands Army, he served as a peacekeeper of the United Nations Protection Force for the Former Yugoslavia (UNPROFOR) in the east Bosnian town of Srebrenica, a UN ‘safe area,’ between January and April 1995.

Born in Prague in 1926, Yehuda Bauer is an historian and scholar of the Holocaust, and Honorary Chairman of the International Task Force for Holocaust Education, Remembrance and Research. He attended Cardiff University in Wales, interrupting his studies to fight in the 1948 Arab-Israeli War, after which he completed his degree. He received his doctorate in 1960 and began teaching at the Avraham Harman Institute of Contemporary Jewry at the Hebrew University. In 1998, he was the recipient of the Israel Prize, the highest civilian award in Israel. In 2001, he was elected a Member of the Israeli Academy of Science. Currently, he serves as Professor of Holocaust Studies, Yad Vashem and Hebrew University, and academic adviser to the International Task Force for Holocaust Education, Remembrance and Research.

Professor Irwin Cotler has taught constitutional law, international human rights law, law and poverty, Canadian Charter of Rights and Freedoms, discrimination and the law, civil liberties, and comparative and international protection of minorities’ rights. His main research areas are freedom of expression and assaultive speech, equality law, peace and human rights, and comparative constitutional law. Professor Cotler was Chair of InterAmicus, the International Human Rights Advocacy Centre based at McGill Law Faculty; and Co-Chair of the Canadian Helsinki Watch Group. He has defended political prisoners in Peru, Tunisia, China (KunLun Zhang), Nigeria (Wole Soyinka), Indonesia, South Africa (Nelson Mandela) and Russia (Andrei Sakharov, Aleksandr Nikitin) and he has addressed major academic gatherings in Washington, Moscow and Jerusalem. He has argued before the Supreme Courts of both Canada and Israel and he has testified before parliamentary committees in Canada, the United States, Norway, Sweden, Russia, Israel and various Latin American countries. He is an Officer of the Order of Canada, a member of the Académie universelle des cultures, and was awarded the Justice Walter Tarnopolsky Memorial Medal, the Medal of the Bar of Montréal, and the Martin Luther King Jr Humanitarian Award. In 1999, Professor Cotler took a leave of absence from the Faculty of Law and was elected Member of Parliament for the federal constituency of Mount Royal. He served as Minister of Justice and Attorney General of Canada from 2003 to 2006. Professor Cotler’s work in genocide prevention and persecution of criminals has received international
attention. He has worked tirelessly to bring Nazi war criminals to justice and convey the magnitude of the Darfur crisis to the public. Most recently he is working to indict Iranian President Ahmadinejad for incitement to genocide under the UN Charter and the Genocide Convention.

In May 2007, Francis M. Deng was appointed Special Adviser of the Secretary-General on the Prevention of Genocide on a full time basis and at the level of Under-Secretary-General. Dr. Deng holds an LLB (Honors) from Khartoum University and an LLM and JSD from Yale Law School. He first joined the United Nations as Human Rights Officer in 1967. In 1992, he joined the Foreign Service of his country, the Sudan, and served as Ambassador to the United States, Canada, and the Scandinavian countries and as Minister of State for Foreign Affairs. After leaving his country’s service, Dr. Deng joined the Brookings Institution in Washington DC as a Senior Fellow where he founded and directed the Africa Project for twelve years. He also served concurrently as the Representative of the Secretary-General on Internally Displaced Persons from 1992 to 2004. Dr. Deng also held an appointment as Research Professor of International Politics, Law and Society at the Johns Hopkins University School of Advanced International Studies, prior to which, he was a Distinguished Professor at the Graduate Center of the City University of New York. Dr. Deng has also held visiting professorships and research positions at New York University, Columbia Law School, Yale Law School, the Woodrow Wilson International Center for Scholars, the Rockefeller Brothers Fund, the United States Institute of Peace, the John W. Kluge Center of the Library of Congress and the Center for International Studies of the Massachusetts Institute of Technology. Among his numerous awards in his country and abroad, Dr. Deng was co-recipient with Roberta Cohen of the 2005 Grawemeyer Award for “Ideas Improving World Order.” He is also the recipient of the 2007 Merage Foundation American Dream Leadership Award and the 2000 Rome Prize for Peace and Humanitarian Action. Dr. Deng has authored, co-authored, edited and co-edited over thirty books in the fields of law, conflict resolution, internal displacement, human rights, anthropology, history and politics, and has written two novels on the crisis of national identity in the Sudan.

Richard J. Goldstone, 1959 BA 1962 LLB (Wits) practised as an Advocate at the Johannesburg Bar. In 1980 was made Judge of the Transvaal Supreme Court. In 1989 he was appointed Judge of the Supreme Court of Appeal. From July 1994 to October 2003 he was a Justice of the Constitutional Court of South Africa. In recent years he has been a visiting professor of laws at Harvard, Fordham, Georgetown and NYU Schools of Law. He recently led the UN Fact Finding Mission on Gaza. From 15 August 1994 to September 1996 he served as the Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda. In December 2001 he was appointed as the co-chairperson of
the International Task Force on Terrorism that was established by the International Bar Association. He is presently the co-chairperson of the Human Rights Institute of the International Bar Association. From 1999 to 2003 he served as a member of the International Group of Advisers of the International Committee of the Red Cross. He was a member of the committee, chaired by Paul A. Volcker, appointed by the Secretary-General of the United Nations to investigate allegations regarding the Iraq Oil for Food Program. He is an Honorary Bencher of the Inner Temple, London, an Honorary Fellow of St Johns College, Cambridge, and an Honorary Member of the Association of the Bar of New York. He is a Foreign Member of the American Academy of Arts and Sciences. He has recently received the John D. and Catherine T. MacArthur Award for International Justice.

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**Rebecca J. Hamilton** is the Special Correspondent in Sudan for the Washington Post, with support from the Pulitzer Center on Crisis Reporting. A graduate of Harvard Law School and the Kennedy School, she is a former Open Society fellow. She helped spearhead the campaign for Harvard University to divest from companies doing business with Sudan, and has worked with internally displaced populations in Sudan. In 2007 she was selected as a Global Young Leader on Genocide Prevention. After graduating from law school she worked for the Prosecution at the International Criminal Court in The Hague. Her writing on genocide and Sudan has appeared in *Leiden J. Int’l Law*, *Foreign Affairs* and *The New Republic* and her first book, *Fighting for Darfur*, will be published in 2011.

Professor **Ben Kiernan** obtained his Ph.D. from Monash University, Australia. In 1990 he joined the History Department at Yale University, and was appointed the A. Whitney Griswold Professor of History in 1999. In 1994 he became founding director of Yale’s Cambodian Genocide Program, and in 1998 he founded the Genocide Studies Program, an interdisciplinary, inter-regional program that researches comparative and policy issues at the MacMillan Center for International and Area Studies at Yale. As director of the Cambodian Genocide Program, Kiernan was instrumental in unearthing and disclosing documents attesting to genocidal crimes of the Khmer Rouge regime. He is most recently the author of *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*. 

Mary Kimani worked as journalist at the International Criminal Tribunal for Rwanda, where she was based in Arusha, Tanzania covering the Rwanda genocide trials. She later moved to Rwanda to work on a documentary project aimed at raising awareness and improving dialogue in post-conflict Rwanda, particularly between the survivors and perpetrators of the Rwanda genocide. Mary has also covered the Burundi Peace process and the conflict in the Democratic Republic of Congo for Reuters and others, and has written articles for *Time Magazine*, *El Mundo*, and other publications. After six years with Internews she joined the not-for-profit Action Aid International overseeing communication programs for Africa, before joining the United Nations. She holds an MA in International Relations and Diplomacy as well as a second MA in communication psychology. The findings of her first thesis were published in *The Media and the Rwanda Genocide* (2007).

Krzysztof Kotarski grew up in Warsaw, Poland before immigrating to Canada in 1991. He holds a BA in International Relations and History, and a MSS (Strategic Studies) from the University of Calgary, where he researched arms control programs in the former Soviet Union at the Centre for Military and Strategic Studies. Kris also works as a journalist for the CanWest News chain in Canada, primarily for the *Calgary Herald* where he writes a regular column on human rights and international affairs. He also writes for the *The Guardian*, focusing on politics and human rights in Eastern Europe. In 2006, Kris was a research fellow at the Geneva-based United Nations Institute for Disarmament Research (UNIDIR) where he worked on projects that examine the dynamics of weapons transfers in Latin America, South Asia and West Africa. Starting in 2007, Kris continued his work on small arms at the Canada-based Armed Groups Project where he is a research associate.
Professor Catherine Lu teaches at McGill University in the areas of political theory and international relations, including courses on contemporary political theory, the history of international relations thought, international ethics, human rights, humanitarian intervention, and problems of post-conflict justice and reconciliation. She is the author of Just and Unjust Interventions in World Politics: Public and Private (UK: Palgrave Macmillan, 2006) and has published widely in journals such as The Journal of Political Philosophy, the Journal of International Political Theory, the European Journal of Social Theory, International Studies Review, and Review of International Studies. She was a faculty fellow at the Edmond J. Safra Foundation Center for Ethics at Harvard University (2004–2005) and a recipient of an Alexander von Humboldt Foundation Fellowship for Experienced Researchers (2010–2011).

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Luis Moreno-Ocampo, the current Chief Prosecutor for the International Criminal Court, rose to prominence as the assistant prosecutor of the National Commission on the Disappearance of Persons in the 1984–1985 “Military Junta” in Argentina. He was the co-founder of Poder Ciudadano, a non-governmental organization that promotes citizen responsibility and participation. In his role as Chief Prosecutor for the ICC he has investigated the abuses in the Democratic Republic of Congo, the insurgency of the Uganda-based Lord’s Resistance Army and the Darfur conflict of western Sudan. Mr. Moreno-Ocampo is an active member of the Advisory Committee of Transparency International. He continues to serve as Associate Professor of Criminal Law at the University of Buenos Aires.
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