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Selections from the Convention on the Prevention and Punishment of the Crime of Genocide

Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.

Preamble

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such odious scourge, international cooperation is required,

Hereby agree as hereinafter provided:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.

Article II

In the present Convention, 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.

Article III

The following acts shall be punishable:

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

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4. Does the Convention define how many people of a group must be affected in order for an event to be called a genocide?

5. Does the Convention indicate how the groups are defined? For instance, what is a “national” group?

6. Article II says, “...genocide means any of the following acts committed with intent to destroy...” What does “intent” mean? How might “intent” be proven?

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Part 2

Instructions: Read each excerpt **two times**. On the **first read**, mark words or phrases that you do not know and then clarify them with your groupmates or teacher. On the **second read**, underline or highlight sentences that argue that the events in Ukraine either amount to genocide or do not amount to genocide. Additionally, circle the words “intent,” “intend,” or “intention” as you read. Select a person in your group to record your group’s answers, and be prepared to share your responses with your classmates.

1. In the left-hand margin, note the evidence the author has used to support his or her argument about whether the events constitute genocide as defined in Article II of the Convention. (For instance, put a star or check mark next to descriptions of events that are present or would need to be present in order to prove genocide.)
2. In the right-hand margins of each source, indicate whether the author believes that the “intent” to commit genocide exists or not, and draw an arrow from your notation to the sentence or sentences which prove the author’s point about intent.
3. In what areas do the two sources agree with each other? For instance, what acts from Article II of the Genocide Convention do they both say are occurring in Ukraine?
4. The sources come to different conclusions about the “intent” to destroy. Professor Quénivet says, “no intent to destroy Ukrainians as a national or ethnical group as such can be identified.” Professor Finkel says, “There is...evidence that there is actual intent to destroy the Ukrainian nation.” What might explain this difference of opinion?
5. Several politicians, including U.S. President Biden, Ukrainian President Zelenskyy, and many others have claimed that Russia is committing genocide in Ukraine. Why might politicians use the word, while scholars and international lawyers continue to debate “hotly,” as Professor Quénivet says?

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Source 1—Noëlle Quénivet, Professor of International Law, Bristol Law School, University of the West of England, in an article titled “The Conflict in Ukraine and Genocide” in the *Journal of International Peacekeeping* August 3, 2022

“Whether Russia’s conduct in Ukraine qualifies as genocide is hotly debated amongst pundits in international law and related disciplines....

“[T]he definition [of genocide in the Genocide Convention] is comprised of acts and an intent. For an act to be considered genocide, three elements must be fulfilled. First, the act must fall within one of the five categories of acts listed in the definition.... Second, the act must be directed at a specific group (again a definite list is provided).... Third, the act must be perpetrated with the aim, the specific intent...to destroy that group. This element clearly distinguishes genocide from other international crimes such as crimes against humanity.

“Massive killing, indiscriminate shelling of cities and residential areas,...beatings, torture, sexual violence, rape,...forcible transfer,...encirclement,...deportation and expulsion...have been reported in Ukraine.

“[C]lear indications of...intent...can only be established by inferences.... So far, there is no ‘evidence of a plan to destroy Ukrainians as a group’ though (semi-) official statements taken together might be viewed as pointing towards such a plan....

“Based on current information on the situation in Ukraine, it seems difficult to argue that a genocide is being committed as, so far, no...intent to destroy Ukrainians as a national or ethnic group as such, can be identified. Yet, such a conclusion...does not minimise the atrocities perpetrated by Russia and Russian troops. They still can be pursued as violations of international (humanitarian) law as well as prosecuted as war crimes and crimes against humanity.”

Source 2—Eugene Finkel, Associate Professor of International Affairs at Johns Hopkins University, in an interview with German news organization ntv December 28, 2022

“Since [April of 2022], more and more evidence has come to light, not only from the media, but also from high-ranking state officials.... [There] is now significantly more evidence that there is actual intent to destroy the Ukrainian nation.

“...Looking at the killings, for example, we have been getting more and more evidence from Russian soldiers who have deserted.... For example, a soldier who was in Bucha and admitted to killing civilians, but also talked about what the motivation was. Some of these were arbitrary killings, but there were also lists of people who were to be killed. And further: speaking Ukrainian or showing any form of Ukrainian identity was a great danger for the people. There were and are concrete goals based on “being Ukrainian.” And we are also getting more and more information from the liberated areas in the south about who was targeted there. So we see patterns—Bucha was not an exception.

“...I also want to raise another important point: the abduction of Ukrainian children in very large numbers and the deportation of these children to Russia. According to the UN definition, that is also an act of genocide.... The goal: to destroy the original group. This is exactly what we have seen in the south of Ukraine. Ukrainian children are being kidnapped and taken to Russia to be re-educated and turned into Russians. That is consistent with my observations of the Russian media or what Russian officials have said. That was exactly the plan.”