

Information note

Of Dimitrios Mantzanas of the  
Panagiotis and the Basiliki

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TO

The whole Earth

I started working again as a taxi  
driver on September 4, 2023 for the  
reason that I wanted to and I want  
to gather some money that I need  
in order to properly complete the writing  
of a document that I started preparing  
from June, 2023 and which is Complementary  
and much more inclusive of the document  
that I had sent by fax to the Prosecutor's  
office of the International Criminal  
Court on June 12, 2023 and which

I will attach<sup>(1)</sup> the additional and more inclusive document that I have started to prepare since June 2023 (the greek state challenged me long delay in drafting, and illegally imprisoning me for the fourth time in a psychiatric institution from June 16, 2023 to July 12, 2023) will consist of more than 500 pages of handwritten text (by my own always hand) and will include more than 2.000 pages of attachments and I will send it not only to the prosecutor's office of the International Criminal Court but also to the National Parliaments of all the countries of the Earth and to all the global and multinational organizations as it is an issue of mine personally which however concerns the whole Earth, I will need to work at least (2) two months as a taxi driver to gather the money

I need to properly complete this supplementary and more inclusive, of my previous documents, document which will refer to the total issue of my existence and the existence of the machines that they have in the "unknown" and which will be accompanied by a new lawsuit that I will submit to the Prosecutor's office of the International Criminal Court, which lawsuit will have as its starting date the June 1944, the month and year in which I was arrested by normal procedure by my Mother (I was implanted in my Mother's matrixe, lifelong bond) and which will be primary against the Greek Parliament, against the Greek state and against the Greek people and against those (unknown to me yet) who operate the machines in the "unknown" and secondary against their collaborators wherever



they are on Earth and against the prosecution of the International Criminal Court for the reason that they ignored my document that I sent them on June 12, 2023 and in which lawsuit I will gather the money I need and I will go to the Hague to submit it in person. I tried with my document<sup>(2)</sup> to find the money I need in the form of a small loan but I did not receive a response, as I also tried with my document<sup>(3)</sup> to facilitate my transition to the Hague, but I did not receive a response (I never ask back documents that I have submitted and I never abandon my documents, I support all my documents and I will support all my documents until my last breath).

If you examine the whole issue, you will find that even though some of the

incidents that happens to me seem simple, they are not, and only in the prosecutor's office of the international criminal court can I submit a lawsuit for any issue concerning me, the first because it will be an issue that will also concern the whole Earth and secondly because only in the International Criminal Court I can have a justification and legal treatment. Since September 2022, I have submitted (3) three lawsuits to the athens prosecutor's office against all those responsables because on September 26, 2022, in the police department of argyroupolis (area where I live) Police employee cheated me and stole my signature on some papers that I did not know what wrote and I do not know yet, but no one court has called me, the greek judicial

authority and the greek judicial system are corrupt, they operate in a biased and unfair manner, they are not legal, but according to the UN founding charter<sup>(4)</sup> the inalienable human rights<sup>(5)</sup> include and the right of every human being on trial in a legal and fair trial, so only in the prosecutor's office of the International Criminal court I can submit a lawsuit for any matter concerning me.

The greek parliament and the greek state as a whole from years ago tried and continue to try in various ways to avoid the legal and fair trial at the International criminal court because they know that they are guilty of many premeditated unholy and heinous crimes, as well as they are guilty for the genocide<sup>(6,7)</sup> who premeditated have




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perpetrated against my genus and they want to continue to be illegal and to perpetrate premeditated crimes and murders and they want to continue to perpetrate the genocide that they have perpetrated against my genus. They must be punished strictly for their crimes. I must also to inform you that the mayor of Athens Kostas Bakogiannis is closely related to the prime minister Kyrakos Mitsotakis, he is his sister's child

This information note is consisted from (4) four sheets, (4) seven pages handwritten text (by my own always hand) and (4) seven attachments

Friday, October 6, 2023  
The scribe and signatory  
Dimitrios Mantzanas



1, attachment 1  
is consisted from  
4 pages + one page

page 1 from 4

To

To the Prosecutor's office of the  
International Criminal Court

From

Dimitrios Mantzanas.

Personal cell phone number: +30 6944952872

I am against the greek state and  
against the greek people and  
against their cooperators.

I leave in athens greece.

I called on +31 70 545 8515

before one hour and give my

name and my personal phone number.

+30 6944952872 in order you

the Prosecutor's office to call me.

The greek state and the greek  
people and their cooperators.

had perpetrate and continue



to Perpetrate many crimes and  
 unholy crimes against me and  
 against my unborn infants, and  
 against other humans. as and  
 against my family

I was represented always and I am representing  
 always myself alone in all my cases  
 and my personal life and am the only  
 human which have the legal right to  
 represent the souls of the premeditated  
 murdered mine unborn infants.

I did not consent no one from my  
 human rights neither from my civil  
 rights to no one never and I will  
 continue to represent myself always  
 alone in all my cases and my  
 personal life.

You the Prosecutors office of the  
 international criminal court

He's not call me and I do not know why  
I want to come in Hague soon.

because I want to filed there.  
a lawsuit against the greek state  
and against the greek people and  
against their cooperators.

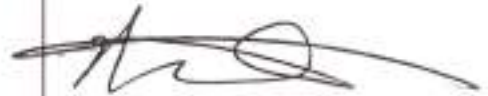
In the case where you the prosecutors  
office do not call me Dimitrios  
Montzomias in order to borrow me  
money to help me to come in  
Hague soon I will consider you  
the international criminal court  
and you the prosecutors office  
of the international criminal court.  
their accomplices for as many crimes  
they have perpetrated until now  
and for as many crimes they  
will Perpetrate and in the future

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and I will prepared myself in order  
to filed lawsuit and against you  
in your office soon.

This document consists from two sheets,  
four pages handwritten text

12 June 2023  
Dimitrios Mantzanas.





\* \* \* Personal Journal ( 12. Jun. 2023 12:54 ) \* \* \*

1) DEEMI IDEWN 2109957397  
2) DESMI IDEWN 2109957397

								(Manual print)
< TX >								File
Date	Time	Destination	Mode	TXtime	Page	Result	User Name	No.
12. Jun.	12:52	ICC-CPI	G3TES)	0:40"	P	4 OK		2357
< RX >								File
Date	Time	Sender	Mode	RXtime	Page	Result	User Name	No.

This page is the proof from the fax device,  
that the prosecutor's office of the International  
Criminal court had received my document

TX Count 002030

# : Batch  
M : Memory  
S : Standard  
R : Reduction  
RX Notice Red.  
Folder

C : Confidential  
L : Send later  
D : Detail  
H : Stored/D. Server  
A : RX Notice

RX Count

S : Transfer  
e : Forwarding  
F : Fine  
\* : LAN-Fax  
☞ : Mail

000325

P : SEP Code  
E : ECM  
U : Super Fine  
+ : Delivery  
☞ : IP-FAX

2, attachment 2  
(is consisted from To  
6 pages) Embassy of the Vatican in Athens  
Ambassador of the Vatican

From

Dimitrios Mantzanas

Personal cell phone number: +30 6944952872

Email: dimitrismantzanas@gmail.com

My laptop and my email address are hacked  
so if you want to communicate with  
me better to call me on my personal  
cell phone number or to my home  
telephone number +30 2109931048

I live in Athens in the area of  
Ourgyroupoli, street Ilextroupolos  
number 26, Postal code 16452

I send you a document and  
I inform you about a very serious  
and important issue I had sent the

same document to the prosecutor's  
office of the international criminal  
court in Hague on 12 June 2023  
time 12:54 and I enclose and the proof  
from the fax device that they had received  
my document but they did not call me  
this was and is and the only document  
which I have sent to the prosecutor's  
office of the international criminal  
court in Hague and the only document  
and the only time which generally  
I had sent a document for this very  
serious and important for me and  
for all the world issue.

I am requesting the Ambassador of  
the Vatican in Athens to call me



in his office in order to inform him for the issue, I have drafted a handwritten (adways from my own hand) and almost complete Prodraft from draft of document for the issue and some handwritten (adways from my own hand) Prodraft from draft of notes about the all issue which are not complete yet and are not all which I have to write, I have to write much more and I have done a research through the internet which is not complete yet, all these are against the nazi greek state and against the nazi greek people and against their nazis cooperators in other countries and against the nazi and extremely illegal and extremely dangerous for all the Mother nature machines in the unknown and against

the nazis and insanes operators of the machines in the unknown.

I will have with me what I have writte until now and the research which I have done until now in the appointment with the Ambassador if he call me in his office in order to read him what I have writte until now and what research I have done until now if the Ambassador approve my position for the all issue I will ask from the Batican a small loan for some months in order to arrive and to appear in person sooner from the end of this month in the Prosecutor's office of the international criminal court in Hague, Holland in order to filed

there my lawsuit against the nazi greek state and against the nazi greek people and against their nazi cooperators in other countries and against the machines in the unknown and against the nazis and insanes operators of the machines in the unknown and against the same the prosecutors of the prosecutor office of the international criminal court.

\* notice I will send the same document which I had sent to the prosecutors office of the international criminal court in Hague on 12 June 2023 and to the Holland Ambassador in athena and I will request an appointment and with him in order to inform and the Ambassador of Holland



for the issue and I will request a valid document as temporary passport for me from the Dutch state because I am legal and democrat and I will ask from the Dutch state to facilitate and to make sooner my transition to the Hague, Holland and to find for me in the city of Hague an apartment or a hotel room for some months from where to have the ability to work from the internet and to write until the legal procedures in the international criminal court will be completed.

\* This document consists from three sheets six pages hand written text (always from my own hand)

12 July 2023

Dimitrios Mantzanas



3, attachment 3  
(is consisted from  
6 pages)

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To

Embassy of the Holland in Athens

Ambassador of the Holland

From

Dimitrios Mantzanas

Personal cell phone number: +30 6944 95 2872

Email: dimitrismantzanas@gmail.com

My laptop and my email address are hacked  
So if you want to communicate with me  
better to call me on my personal cell phone  
number or to my home telephone number  
+30 21993104

I live in Athens in the area of Argypoupoli,  
Street Ilextroupoleos, number 26,  
Postal code 16452

I send you a document and I inform  
you about a very serious and importante

issue, I had sent the same document to the prosecutor's office of the international criminal court in Hague on 12 June 2023 time 12:54 as well as I enclose and the proof from the fax device that they had receive my document but they did not call me, this was and is and the only document which I have sent to the prosecutor's office of the international criminal court in Hague and the only document and the only time which generally I have sent a document for this very serious and important for me and for all the world issue I am requesting the Ambassador of the Holland in Athens to call me in his office in order to inform him for the issue. I have drafted a handwritten (always from my own hand) and almost



complete prodraft from draft of document  
for the issue and some handwritten (always  
from my own hand) Prodraft from draft  
notes about the all issue which are not  
complete yet and are not all which I have  
to write, I have to write much more  
and I have done a research through  
internet which it is not complete yet,  
all these are against the nazi greek state  
and against the nazi greek people  
and against their nazis cooperators  
in other countries and against the  
nazi and extremely illegal and extremely  
dangerous for all the Mother nature  
machines in the unknown and against  
the nazis and insanes operators of  
the machines in the unknown

I will have with me what I have written until now and the research which I have done until now in the appointment with the Ambassador if he call me in his office in order to read him what I have written until now and what research I have done until now

I will request a valid document as temporary passport for me from the Dutch state because I am legal and democrat and I will ask the Dutch State to facilitate in order to arrive in Hague sooner from the end of this month my transition to the Hague, Holland and to find for me in the city of Hague an apartment or a hotel room for some months from

where to have the ability to work from the internet and to write until the legal procedures in the international criminal court will be completed where I want to the prosecutor's office of the international criminal court to filed my lawsuit against the nazi greek state and against the nazi greek people and against their cooperators in other countries and against the nazi machines in the unknown and against the nazis and insanes operators of the machines in the unknown and against the same the prosecutors of the prosecutor office of the international criminal court.

\* notice I have sent the same document which I had sent to the prosecutor's office of the international criminal



Court on 12 June 2023 and to the Ambassador of the Vatican in Athens in order to request an appointment with him and to inform and the Ambassador of the Vatican about the issue and if the Ambassador approve my position for the all issue I will ask from the Vatican a small loan for some months in order to appear in person sooner from the end of this month in Hague in the prosecutor's office of the international criminal Court.

\* This document consists from three sheets six pages handwritten text (always from my own hand)

12 July 2023

Dimitrios Mantzanas



# United Nations Charter (full text)

## Preamble

### WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

### AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

### HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## Chapter I: Purposes and Principles

### Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to



the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

## **Article 2**

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## **Chapter II: Membership**

### **Article 3**



The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

#### **Article 4**

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### **Article 5**

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

#### **Article 6**

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

### **Chapter III: Organs**

#### **Article 7**

1. There are established as principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

#### **Article 8**

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

### **Chapter IV: The General Assembly**

#### **COMPOSITION**

## **Article 9**

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

## **FUNCTIONS AND POWERS**

### **Article 10**

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

### **Article 11**

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.
3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.
4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

### **Article 12**

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in



session, immediately the Security Council ceases to deal with such matters.

### **Article 13**

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
  1. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
  2. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

### **Article 14**

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

### **Article 15**

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

### **Article 16**

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

### **Article 17**

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.



3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

## **VOTING**

### **Article 18**

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

### **Article 19**

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

## **PROCEDURE**

### **Article 20**

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

### **Article 21**

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

### **Article 22**

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## **Chapter V: The Security Council**

### **COMPOSITION**

#### **Article 23**

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
3. Each member of the Security Council shall have one representative.

### **FUNCTIONS AND POWERS**

#### **Article 24**

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

#### **Article 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

#### **Article 26**



In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## **VOTING**

### **Article 27**

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

## **PROCEDURE**

### **Article 28**

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

### **Article 29**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **Article 30**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

### **Article 31**

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.



## Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## Chapter VI: Pacific Settlement of Disputes

### Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

### Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

### Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

### Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

- page 20
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

### **Article 37**

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

### **Article 38**

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## **Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression**

### **Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

### **Article 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

### **Article 41**

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal,



telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### **Article 42**

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### **Article 43**

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### **Article 44**

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **Article 45**

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### **Article 46**

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.



#### **Article 47**

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### **Article 48**

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### **Article 49**

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### **Article 50**

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### **Article 51**

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain

international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## **Chapter VIII: Regional Arrangements**

### **Article 52**

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

### **Article 53**

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

### **Article 54**

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.



## **Chapter IX: International Economic and Social Cooperation**

### **Article 55**

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

1. higher standards of living, full employment, and conditions of economic and social progress and development;
2. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
3. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

### **Article 56**

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

### **Article 57**

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

### **Article 58**

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

### **Article 59**

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

### **Article 60**

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of



the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## **Chapter X: The Economic and Social Council**

### **COMPOSITION**

#### **Article 61**

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

### **FUNCTIONS AND POWERS**

#### **Article 62**

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

#### **Article 63**

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### **Article 64**

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

#### **Article 65**

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

#### **Article 66**

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

### **VOTING**

#### **Article 67**

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

### **PROCEDURE**

#### **Article 68**

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

#### **Article 69**



The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

#### **Article 70**

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

#### **Article 71**

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

#### **Article 72**

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

### **Chapter XI: Declaration Regarding Non-Self-Governing Territories**

#### **Article 73**

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

1. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
2. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
3. to further international peace and security;



4. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
5. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### **Article 74**

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

### **Chapter XII: International Trusteeship System**

#### **Article 75**

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

#### **Article 76**

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

1. to further international peace and security;
2. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
3. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
4. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

### **Article 77**

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
  1. territories now held under mandate;
  2. territories which may be detached from enemy states as a result of the Second World War; and
  3. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

### **Article 78**

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

### **Article 79**

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

### **Article 80**

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.
2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

### **Article 81**

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.



**Article 82**

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

**Article 83**

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.
2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

**Article 84**

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

**Article 85**

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.
2. The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

**Chapter XIII: The Trusteeship Council****COMPOSITION****Article 86**

1. The Trusteeship Council shall consist of the following Members of the United Nations:
  1. those Members administering trust territories;
  2. such of those Members mentioned by name in Article 23 as are not administering trust territories; and



3. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

## **FUNCTIONS AND POWERS**

### **Article 87**

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

1. consider reports submitted by the administering authority;
2. accept petitions and examine them in consultation with the administering authority;
3. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
4. take these and other actions in conformity with the terms of the trusteeship agreements.

### **Article 88**

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

## **VOTING**

### **Article 89**

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

## **PROCEDURE**

### **Article 90**

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

# Chapter XIV: The International Court of Justice

## Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

## Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.



## **Chapter XV: The Secretariat**

### **Article 97**

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

### **Article 98**

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

### **Article 99**

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

### **Article 100**

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

### **Article 101**

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.



## **Chapter XVI: Miscellaneous Provisions**

### **Article 102**

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

### **Article 103**

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

### **Article 104**

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

### **Article 105**

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## **Chapter XVII: Transitional Security Arrangements**

### **Article 106**

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as

occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

### **Article 107**

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## **Chapter XVIII: Amendments**

### **Article 108**

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

### **Article 109**

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## **Chapter XIX: Ratification and Signature**

### **Article 110**

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit



as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.
4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In Faith Whereof the representatives of the Governments of the United Nations have signed the present Charter. DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

## Note on Amendments to Articles 23, 27, 61, 109

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of



reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote, of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

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## Human Rights



From Wikipedia, the free encyclopedia



Human rights are the same for all [people](#).<sup>[1]</sup>

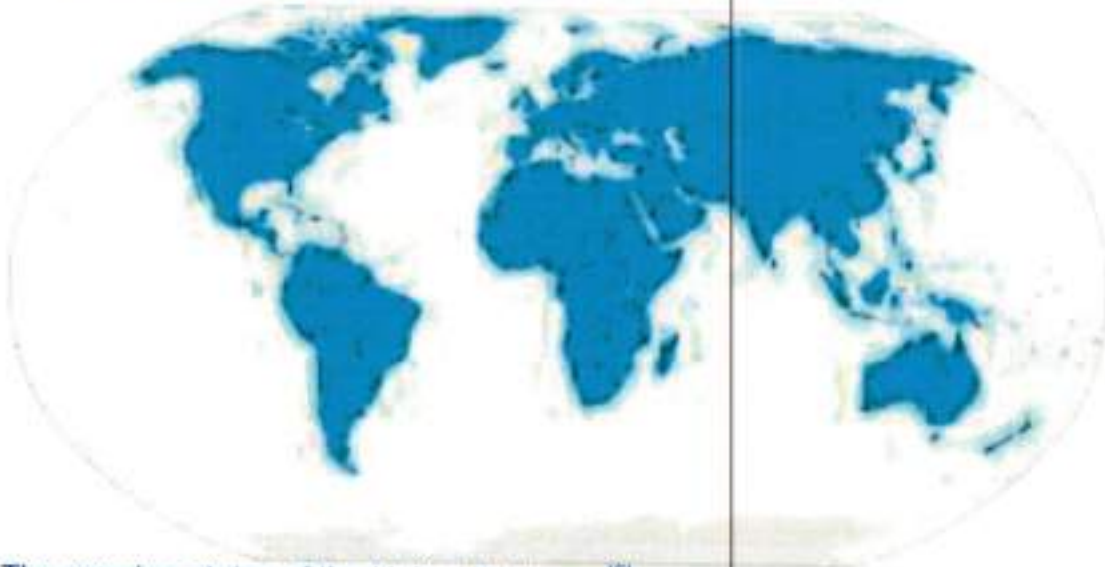
Human **rights** are [moral principles](#) that set specific standards [of human](#) behavior and are usually protected as [legal rights](#) under [national](#) and [international law](#). They are considered as "commonly understood inalienable fundamental rights to which every person is entitled from the moment of birth, simply because he is a human being"<sup>[2]</sup>. These include civil and political rights such as the [right to life](#) and [liberty](#), [freedom of thought](#) and [expression](#), and [equality before the law](#).<sup>[3]</sup> Human rights also include economic, social and cultural rights, such as the [right to work](#), the [right to health](#), the [right to food](#), the [right to housing](#), [medical care](#), [education](#) and the [right to participate in culture](#).

Human rights, therefore, are considered international (applied and valid everywhere) and protect [equality](#) (they apply the same to everyone). The [doctrine](#) of human rights has obviously influenced international law as well as national [constitutions](#), [state policies](#) and the action of [non-governmental organizations](#) and they are the cornerstone of public order around the world. According to the [idea](#) of human rights, "if peacetime public discourse in the world community has a common moral language, it is that of human rights"<sup>[4]</sup>. The strong claims of human rights doctrine continue to cause great [skepticism](#) and disagreement about the content, nature and rationale of human rights even today. Indeed, the question of what constitutes a "right" is itself controversial and the subject of ongoing [philosophical](#) debate.

Many of the key ideas that sparked the human rights movement were shaped in the aftermath of [World War II](#) and the atrocities of the [Holocaust](#), and



escalated with the adoption of the [Universal Declaration of Human Rights](#) in [Paris](#) by the [United Nations General Assembly](#) in 1948. Two years later, the celebration of [World Human Rights Day](#) on December 10 was established. The [ancient world](#) did not include the concept of international human rights. The real forerunner of the human rights debate was the concept of natural rights, which formed part of the medieval tradition of [Natural Law](#) espoused during the [Enlightenment](#) by philosophers such as [John Locke](#), [Francis Hutcheson](#) and [Jean-Jacques Burlamaqui](#), while dominating the [English Bill of Rights](#), [on Rights](#) and the political ideals of the [American](#) and [French Revolutions](#).



[The member states of the United Nations](#). <sup>[5]</sup>

These were the foundations from which modern human rights arguments emerged in the second half of the 20th century <sup>[6]</sup>.

Because the recognition of the inherent dignity of all members of the human family and their equal and inalienable rights is the foundation of freedom, justice and peace in the world.

— 1st sentence of the Preamble of the [Universal Declaration of Human Rights](#) of the [UN](#). <sup>[7][8]</sup>

All men are born free and equal in dignity and rights. They are endowed with reason and conscience, and ought to treat each other in a spirit of brotherhood.

— Article 1 of the [UN Universal Declaration of Human Rights](#). <sup>[8]</sup>

## History of the concept of human rights [ [Edit](#) | [edit code](#) ]

Although ideas of rights and freedom have existed in some form for much of human history, they do not resemble the modern conception of human rights. According to Jack Donnelly, in ancient times "traditional societies usually had elaborate and detailed systems of division of duties [...] conceptions of justice, political legitimacy, human well-being that sought to realize human dignity, as well as well-being entirely independent of human rights. These institutions and practices are more alternatives than different

formulations of human rights" <sup>[9]</sup>. The modern concept of human rights can be considered to have been born in [Europe Renaissance](#) and the [Protestant Reformation](#), alongside the disappearance of [feudal absolutism](#) and the [religious conservatism](#) that dominated the [Middle Ages](#). One theory is that human rights developed as a theory during the early modern period, alongside the European [secularization](#) of [Judeo - Christian](#) ethics. The most widely held view now is that the concept of human rights was born and developed in the [West](#) and that, while earlier cultures had important moral concepts, the concept of human rights generally did not. For example, McIntyre argues that there is no word conveying the meaning "right" in any language before [1400](#) <sup>[10]</sup>.



Column with the [Code of Hammurabi](#).

### Antiquity [ [Edit](#) | [edit code](#) ]

In ancient [Mesopotamia](#) they are witnessed from [2350 BC](#), about the earliest legal codes which included to some extent the concept of right. The oldest surviving legal code is the Neo-[Sumerian Code of Ur-Nammu](#) (c. [2050 BCE](#)). The best-known set of laws, the [Code of Hammurabi](#) (c. [1780 BCE](#)), contained rules—and penalties for breaking the rules—that regulated a range of issues such as the rights of women, children, and [slaves](#) <sup>[11]</sup>. In the prologues of these codices the Mesopotamia are invoked [gods](#) for the purpose of divine validation.

The origin of human rights in societies often went from religious [sacred texts](#). The [Vedas](#), the [Bible](#), the [Tao Te Ching](#) of [Lao Tzu](#), the [Analects of Confucius](#), the [teachings](#) of the [Buddha](#) <sup>[12]</sup> and the [Qur'an](#) are among the ancient written sources that deal with issues such as the duties, rights and obligations of the individual. Similarly, a variety of [philosophical](#) ideas included



notions of what could be considered human rights, culminating in the establishment of democratic polity in ancient [Athens](#) (see [Athenian democracy](#)) <sup>[13]</sup>, the polity known in political history as the polity of equality <sup>[14]</sup>. Then, for the first time in the history of humanity, concepts such as equality, equity, equality and freedom of speech were practically applied among all (free) citizens <sup>[14]</sup>. It took more than two millennia for these concepts to be projected again, to all people this time, by the American and French Revolutions <sup>[14][15]</sup>.

A notable place in the history of human rights is the [Cyrus Scroll](#) of [539 BC.](#), which has been described as "the first declaration of human rights" in history <sup>[16]</sup>, while the oldest legal code in Europe is the [Gortyna Inscription](#). The [Edicts \(Decrees\)](#) of Emperor [Ashoka](#) of [India](#) ( [272 - 231 BC](#) ) are social and moral applications of [Buddhist](#) principles. The [Constitution of Medina](#) of [622 AD](#), which was compiled by [Muhammad](#), was a formal agreement between the tribes living in [Medina](#) and included [Muslims](#), [Jews](#) and [pagans](#) <sup>[17]</sup>.



The [Magna Carta stipulated the monarch](#) 's respect for certain legal rights of the people .

### **Middle Ages** [ [Edit](#) | [edit code](#) ]

The English [Magna Carta](#) of [1215](#) <sup>[18]</sup>, a medieval charter of liberty, played a particularly important role in the history of English law, but also in modern [international](#) and [constitutional law](#). But the Magna Carta was not a charter of human rights, but rather only a foundation of them and was a form of limited politically and legally binding agreement to deal with special political conditions. In the case of Magna Carta, this was later recognized during early modern debates about rights.

One of the earliest historical records of human rights is the [Statute of Kalisz](#) (Kalisz) in [1264](#), which granted privileges to the Jewish minority in the Kingdom of Poland, such as protection from discrimination and hate speech.

### **16th-18th century** [ [Edit](#) | [edit code](#) ]



Many of the modern laws and most of the modern interpretations of human rights come from relatively recent history. The first conception of human rights is credited to ideas about natural rights deriving from natural law. In particular, the issue of universal rights was introduced by Spanish clerics such as Francisco [de Vitoria](#) and [Bartholomew de las Casas](#) considering the possibility of extending the rights of indigenous peoples. In the debate held in [Valladolid](#), [Juan Gínez de Sepúlveda](#), who supported the Aristotelian view of humanity being divided into different class categories of different value, disagreed with Las Casas, who advocated equal rights to freedom from slavery for all people, regardless of race or religion their.



The [Declaration of the Rights of Man and of the Citizen](#), which was ratified by the French National Assembly on [August 26, 1789](#).

The 17th-century English philosopher John Locke mentioned natural rights in his work, defining them as rights "to life, liberty, and property (real)," and argued that these fundamental rights cannot be waived from the social [contract](#). In Britain in 1689, the [English Bill of Rights](#) <sup>[19]</sup> and the corresponding Scottish Bill of Rights outlawed a number of oppressive government actions, while the Virginia [Bill of Rights](#) of 1776 codified into law a number of fundamental individual rights and civil liberties influencing later proclamations. Two major revolutions during the 18th century, one in the [United States](#) ( [1776](#) ) and one in [France](#) ( [1789](#) ), led to the adoption of the [Declaration of Independence of the United States of America](#) and the French [Declaration of the Rights of Man and of the Citizen](#), respectively, on the basis of which specific legal rights were granted. These two declarations were the main source of modern individual liberties <sup>[20][21]</sup>.

We accept the following truths as self-evident, that all men are created equal, and are endowed by their Creator with certain inviolable Rights, among which are the right to Life, the right to Liberty, and the right to the pursuit of Happiness.



— US Declaration of Independence, July 4, 1776 <sup>[22]</sup>

The law should be the same for everyone, regardless of whether it protects or punishes. Since all citizens are equal before the law, they can all participate equally in public offices, positions and services according to their abilities and without any other distinction than that which springs from their virtue and talent.

— Declaration of the Rights of Man and of the Citizen, August 26, 1789 <sup>[23]</sup>

This was followed by advances in the philosophy of human rights by [philosophers](#) such as the American [Thomas Paine](#), the English [John Stuart Mill](#), and the German [Georg Hegel](#) during the [18th](#) and [19th centuries](#). The term "human rights" probably came into being in the period between Paine's *Rights of Man* and [William Lloyd Garrison](#)'s writings in *The Liberator* newspaper, who wrote that he was trying to enlist his readers "in the great struggle of human rights" <sup>[24]</sup>. However, the term had been used by at least one writer as early as [1742](#) <sup>[25]</sup>.

## 19th century [\[ Edit \]](#) [edit code](#)

In the nineteenth century human rights became a central issue with the issue of [slavery](#). A number of reformers, particularly [William Wilberforce](#) in [Britain](#), worked to abolish slavery. This was made possible in the British Empire through the Slave Trade Legislation Act of 1807 and the Slavery Abolition Act of 1833. In the [US](#), all the northern states had abolished the institution of slavery between 1777 and 1804, even though the southern states clung tightly to the "peculiar institution." The conflict and controversy over the expansion of slavery into new territories was one of the causes for the secession of the southern states and the [American Civil War](#). During the Reconstruction period that followed the war, several amendments were made to the United [States Constitution](#). These include the 13th amendment abolishing slavery, the 14th amendment guaranteeing full citizenship and civil rights to all born in the [United States](#) and the 15th Amendment, which guaranteed African-Americans the right to vote.

## 20th century

Many groups and movements achieved profound social change during the 20th century, in the name of human rights, in [Europe](#) and [North America](#). Labor unions pushed for laws that guaranteed workers the right to strike, established minimum working conditions, and banned or legislated child labor. The women's rights movement succeeded in securing the right to vote for many women. National independence movements in many countries succeeded in ousting colonial powers. [One of the most influential was Mahatma Gandhi](#)'s movement to liberate his native [India](#) from the British occupation. Movements by long-oppressed racial and religious minorities have succeeded in many parts of the world, including the African-American Civil Rights Movement and more recently various identity politics movements on behalf of women and various minorities in the United States.

The establishment of the International Committee of the [Red Cross](#), the Lieber Code of 1864 and the first of the [Geneva Conventions](#) also in 1864 laid



the foundations of international humanitarian law, which was further developed after the two world wars.



"I don't know with what weapons the 3rd world war will be fought, but the 4th will be fought with sticks and stones." — [Albert Einstein](#) . The two [world wars](#) cost the death of approximately 80,000,000 people.

World [wars](#) , the enormous loss of human life and the egregious human rights abuses that took place during them, were the driving force behind the development of modern human rights tools. The [League of Nations](#) was founded in [1919](#) , during the negotiations for the [Treaty of Versailles](#) that followed the end of the [First World War](#) . The goals of the League of Nations included disarmament, prevention of war through collective security, resolution of disputes between countries through negotiation and diplomacy, and improvement of world welfare. The charter provided the mandate to advance many of the rights later included in the [Universal Declaration of Human Rights](#) .

In the [1930s](#) and [1940s](#) , human rights were invoked mainly by conservative [Catholics](#) and [Protestants](#) <sup>[26]</sup> .

At the 1945 [Yalta Conference](#) , the Allied powers agreed to create a new body to replace the role of the League of Nations . This was to be the [United Nations](#) . The [U.N.](#) has played an important role in international human rights law since its inception. After the world wars the U.N. and its members developed much of the dialogue and legislatures that now constitute international humanitarian law and international human rights law.

**In Greece** [ [Edit](#) | [edit code](#) ]

In [Greece](#), human rights are protected according to the [Constitution](#) ( [articles 4 to 25](#) ), <sup>[27][28]</sup> but also in the [Civil Law](#) (articles 281-286).



## Philosophy [ [Edit](#) | [edit code](#) ]

The philosophy of human rights tries to examine the underlying basis of the concept of human rights and looks critically at its content and justification. Multiple theoretical approaches have been developed in an attempt to explain how and why human rights have become part of social expectations. According to Stathis Balas, human rights are "humanity's greatest moral achievement and the insurmountable value horizon of modern liberal democracy" <sup>[29]</sup>, while some believe that "human rights education is so fundamental to human dignity that soon will constitute the fourth main axis of elementary education in our culture, between reading, writing and numeracy" <sup>[30]</sup>.

One of the oldest Western philosophies related to human rights is that they are part of a natural law and derive from different philosophical or theological bases. Other theories argue that human rights encode moral behavior, which is the product of a human social product that develops through a process of biological and social evolution (related to Hume <sup>]</sup>). At the same time, human rights are also described as a sociological model of regulation (as seen in the sociological view and in the work of [Weber](#)). Such approaches include the idea that individuals in a society accept rules from a legitimate authority in return for advantages in security and economy (as Rawls claims <sup>]</sup>, i.e. a social contract. The two theories that dominate modern human rights debates are the interest theory and the will theory. Interest theory posits that the primary function of human rights is to protect and promote specific basic human interests, while will theory attempts to establish the validity of human rights based on the unique human capacity for freedom <sup>[31]</sup>.



Friedrich [Nietzsche](#) is among the philosophers who have criticized the [idea](#) of human rights.

**Review** [ [Edit](#) | [edit code](#) ]

Claims about the universality of human rights have led to criticism. Philosophers who have been critical of human rights include [Jeremy Bentham](#), [Edmund Burke](#), [Friedrich Nietzsche](#) and [Karl Marx](#). Political philosophy professor Charles Blattberg argues that the discussion of human rights, being abstract, prevents individuals from upholding the values that rights are supposed to uphold <sup>[32]</sup>. The Internet Encyclopedia of *Philosophy* pays special attention to two types of criticism: one that questions the universality of human rights and one that rejects them for reasons of objectivity <sup>[33]</sup>. The internationally renowned legal scholar Alain Pellet criticizes the approach through human rights because it denies the principle of sovereignty and how it requires for human rights a privileged position among the branches of international law [34], while Alain de Benoist questions the conditions of human rights regarding the equality of people <sup>[35]</sup>. Jurist David Kennedy has listed realistic concerns and scathing accusations about human rights in 2002 in the Harvard Human Rights Journal <sup>[36]</sup>.

**Sort** [ [Edit](#) | [edit code](#) ]

Human rights can be [classified](#) and organized in many different ways. In the international field, the most common way of categorizing them is to distinguish between civil and political rights as well as economic, social and cultural rights.



Civil and political rights are mentioned in articles 3 to 21 of the [Universal Declaration of Human Rights](#) <sup>[7]</sup> ( [UDHR](#) , English: [UDHR](#) ) and the [International Covenant on Civil and Political Rights](#) <sup>[37]</sup> ( [ICCPR](#) , English: [ICCPR](#) ). Economic, social and cultural rights are enshrined in articles 22 to 28 of the Universal Declaration of Human Rights and the [International Covenant on Economic, Social and Cultural Rights](#) <sup>[38]</sup> ( [ICESCR](#) , English: [ICESCR](#) ).

These two Covenants, together with the Universal Declaration of Human Rights, constitute the [International Covenant on Human Rights](#) <sup>[39]</sup> ( [IHRC](#) , English: [IBHR](#) ).

### **Indivisible** [ [Edit](#) | [edit code](#) ]

The UDHR contains both economic, social and cultural, as well as civil and political rights, as it is based on the principle that the various rights can only exist successfully in combination:

The [ideal](#) of the [free](#) man, who enjoys civil and political freedom and is freed from [fear](#) and [misery](#) , can only be achieved if conditions are created under which every man can enjoy his civil and political rights, as well as economic , his social and cultural rights.

— International Covenant on Civil and Political Rights & International Covenant on Economic, Social and Cultural Rights, 1966

This is considered true because without civil and political rights, it is impossible for society to claim economic, social and cultural rights. At the same time, if it lacks a means of livelihood and a functioning framework, the public cannot claim or exercise civil or political rights (known as the *full belly theory* ).

The indivisibility and interdependence of all human rights have been endorsed by the 1993 Vienna Declaration and Program of Action:

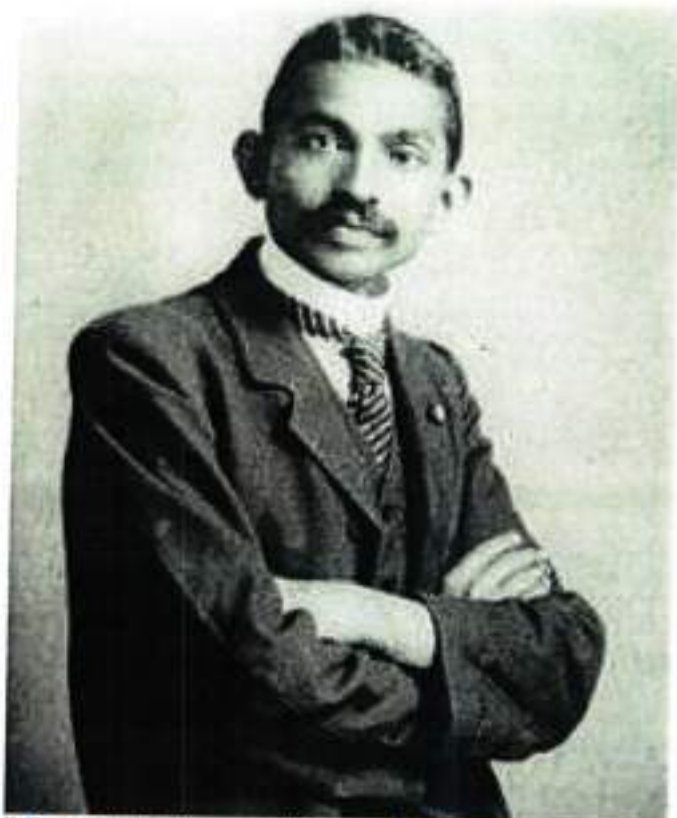
All human rights are universal, indivisible, interrelated and interdependent. The international community must treat human rights globally and in an equal and fair manner, in the same way and with the same emphasis.

— Vienna Declaration and Program of Action, World Conference on Human Rights, 14-25 June 1993, Vienna, Austria <sup>[40]</sup>

(The above statement was again adopted by the 2005 World Summit in New York. Paragraph 121 <sup>[41]</sup> .)

Although accepted by the signatories of the UNCLOS, in practice the majority do not give equal weight to the different types of rights. Some Western cultures have more often focused on civil and political rights, sometimes at the expense of economic and social rights, such as the right to work, education, health and housing. Similarly, Asian and former Soviet bloc countries tend to prioritize economic, social and cultural rights, but rarely provide civil and political rights.

### **Categorize** [ [Edit](#) | [edit code](#) ]



"Poverty is the worst form of violence ." — Mahatma Gandhi . What are the non-negotiable rights of a human being? Prioritizing and classifying human rights is far from an easy task .

Opponents of the indivisibility of human rights argue that economic, social and cultural rights are fundamentally different from civil and political rights and therefore require entirely different approaches. It is argued that economic, social and cultural rights are:

- Aspirations or goals, as opposed to actual "legal" rights.
- Ideologically divisive/political, i.e. there is no consensus as to what should and should not be granted as a right.
- Non-conductive, i.e. their provision or violation cannot be judged by judicial authorities.
- Positive, that is, they require the active provision of rights by the state (as opposed to requiring the state to simply avoid rights violations).
- Progressively , meaning that enough time is required for their implementation.
- Resource intensive, i.e. they are expensive and difficult to provide.
- Socialist , as opposed to capitalist .
- Indefinite, i.e. they cannot be quantified, and it is difficult to judge whether they are adequately provided.

At the same time, civil and political rights are categorized as follows:

- Real "legal" rights.
- Non-ideological/non-political.
- Conductive.



- Negatively, that is, the state can simply protect them without taking action.
- Directly, i.e. they can be provided, if the state decides to do so.
- Without cost.
- Capitalist.
- Specifically, that is, their provision is easy to measure and judge.

Olivia Ball and Paul Greedy argue that one can easily find examples of civil, political, economic, social and cultural rights that do not fit the above categorization. Among many others, they highlight the fact that the maintenance of a judicial system, which is a fundamental requirement of the civil right to a fair trial before the law and other due process rights, is positive, resource-intensive, progressive, vague, while the social right to housing is concretely conductive and can be a real "legal" right <sup>[42]</sup>.

### Three generations [\[ Edit | edit code \]](#)

Karel Vasak offers another view, that of three generations of human rights: first-generation civil and political rights (right to life and political participation), second-generation economic, social and cultural rights (right to maintenance) and third-generation solidarity rights (right to peace, right to a clean environment). Of these generations, the third is the one that is discussed the most and lacks legal and political recognition. This categorization is contrary to the indivisibility of rights, since it implicitly states that some rights can exist without others. The [hierarchy](#) of rights for practical reasons is, however, a widely accepted necessity. Human rights expert Philip Alston argues that "If every element of human rights is deemed essential or necessary, then nothing is to be treated as truly important" <sup>[ 43]</sup> and draws attention, along with others, to the prioritization of rights.

### Inviolable human rights [\[ Edit | edit code \]](#)

Some human rights are described as 'inalienable rights'. The term inalienable rights (or inalienable rights) refers to "a set of human rights that are of fundamental importance, are not granted by human authority, and cannot be surrendered."

International conferences classify as inviolable rights the [right to life](#), the [right to be free from slavery](#), the [right to be free from torture](#) and the [right to be free from retroactive application of criminal laws](#) <sup>[44]</sup>.

### Human Rights Defenders [\[ Edit | edit code \]](#)

CHARTER OF THE UNITED NATIONS  
AND  
STATUTE OF THE  
INTERNATIONAL COURT OF JUSTICE



SAN FRANCISCO - 1945

The [English](#) version of the [Charter of the United Nations](#) <sup>[45]</sup> and the Statute of the [International Court of Justice](#) <sup>[46]</sup> . [San Francisco](#) , [June 26, 1945](#) . The remaining, equally authentic, versions are [Arabic](#) , [French](#) , [Spanish](#) , [Chinese](#) and [Russian](#) <sup>[47]</sup> <sup>[48]</sup> .

A human rights defender is someone who individually or together with others acts to promote or defend human rights. Human rights defenders are those men and women who act peacefully to promote and protect human rights.

### International protection [ [Edit](#) | [edit code](#) ]

In the wake of the atrocities of [World War II](#) , there was increasing concern about the social and legal protection of human rights as fundamental freedoms. The establishment of the United Nations and the provisions of its Charter provided a basis for a comprehensive system of international law and practice for the protection of human rights. Since then, international human rights [law has been characterized by an interconnected system of conventions](#) , [treaties](#) , organizations and political actors, rather than any single entity or set of laws <sup>[49]</sup> .

### Map of the United Nations [ [Edit](#) | [edit code](#) ]

Main article: [Map of the United Nations](#)

The provisions of the United Nations Charter <sup>[45]</sup> provided a basis for the development of international protection of human rights <sup>[49]</sup> . The preamble of the Charter states that its members "reaffirm faith in fundamental human rights, in the equal rights of men and women" and Article 1.3 of the United Nations Charter states that one of the purposes of the United Nations is: "to achieve international co-operation in solving international problems of an economic, social, cultural and humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all,



without distinction as to race, sex, language, religion [50] - . Article 55 states that:

The United Nations shall promote: a) improvement of the standard of living, full employment and conditions of economic and social progress and development b) solutions of international economic, social, health, and related problems c) international cultural and educational cooperation d) universal respect and the observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.

Of particular importance is article 56 of the Charter: "All Members undertake to jointly and individually, in cooperation with the Organization, achieve the objectives set out in article 55 [51] - . This is a binding treaty provision that applies to both the Organization and its members and has been held to constitute a legal obligation for United Nations members [49] . In general, the references to human rights in the Charter are general and vague. The Charter does not contain specific legal rights, nor does it mandate any enforcement procedures to protect those rights [52] . Nevertheless, the importance of enshrining human rights within the United Nations Charter should not be underestimated. The importance of human rights in the international arena can be attributed to the importance of human rights in the context of the United Nations and the Charter of the United Nations can be seen as the starting point for the development of a wide range of mechanisms, declarations, treaties, implementation and enforcement mechanisms , United Nations bodies, committees and reports on the protection of human rights [52] . The rights adopted in the United Nations Charter would later be codified and finalized in the Universal Declaration of Human Rights , consisting of Universal Declaration of Human Rights [7] , the International Covenant on Civil and Political Rights [37] and the International Covenant on Economic, Social and Cultural Rights [38] .





"It is not a [convention](#) ... [In the future it may] become an international [Magna Carta](#)." <sup>[53]</sup> Eleanor [Roosevelt](#) with the Spanish text of the [Universal Declaration of Human Rights](#) in 1949.

## Universal Declaration of Human Rights [\[ Edit | edit code \]](#)

Main article: [Universal Declaration of Human Rights](#)

The Universal Declaration of Human Rights ( **UDHR** ) was adopted by the United Nations General Assembly <sup>[6]</sup> in [1948](#) , partly in response to the atrocities of World War II. Despite the fact that the UNCLOS was a non-binding [resolution](#) , it is now considered by some to have acquired the force of customary international law which can be invoked in appropriate circumstances by national and other judicial authorities <sup>[54]</sup> . The UDHR calls on member states to promote a range of human, civil, economic and social rights, considering these rights as part of the "foundations of [freedom](#) , [justice](#) and [peace](#) in the world". The declaration was the first international legal attempt to limit the conduct of states and to impose on them obligations towards their citizens according to the duality of [rights](#) and [duties](#) .

... the recognition of the inherent dignity and equal and inalienable rights of all members of the human family, is the foundation of freedom, justice and peace in the world... <sup>[55]</sup>

The OHCHR was flanked by members of the Commission on Human Rights, chaired by former First Lady [Eleanor Roosevelt](#) , which began discussing an International Bill of Rights in 1947. The Commission members did not immediately agree on the form of such a bill of rights, and if , or how, should be activated. The Commission proceeded to formulate the ODA and accompanying conventions, but the ODA soon became a priority <sup>[56]</sup> . Canadian law professor [John Humphrey](#) and French lawyer [Rene Cassin](#) were responsible for much of the transnational research and the structure of the document, respectively, where the articles of the declaration interpreted the general principles of the preamble. The document was structured by Casen in such a way as to include the basic principles of dignity, liberty and fraternity in the first two articles, followed in sequence by rights concerning individuals: rights of individuals in their relations with each other, in relation to groups, intellectual, public and political rights, economic, social and cultural rights. The last three articles place, according to Cassen, rights in the context of limits, obligations and the social and political order in which they are intended to be realized <sup>[56]</sup> . Humphrey and Cassen intended that the rights in the EULA should be enforceable in some way, as expressed in the third clause of the preamble <sup>[56]</sup> :

Because it is essential that human rights be protected by a regime of law, so that man is not forced to resort, as a last resort, to rebellion against tyranny and oppression <sup>[55]</sup> <sup>1</sup> .

Part of the OHCHR was researched and drafted by a committee of international human rights experts, including representatives from all continents and all major religions, and based on consultations with leaders such as Mahatma Gandhi <sup>[57]</sup> <sup>[58]</sup> <sup>1</sup> . The addition of civil, political, economic, social and cultural rights <sup>[56]</sup> <sup>[59]</sup> was based on the assumption that all human rights are indivisible and that different types of rights are inextricably



linked. No member state disagreed with this principle (the declaration was adopted unanimously). However, this principle later suffered significant challenges <sup>[59]</sup>.

The Universal Declaration bifurcated into treaties, an international covenant on individual and political rights and another on economic, social and cultural rights, due to questions about the appropriateness and competence of economic and social provisions in human rights conventions. Both clauses begin with the right of people to self-determination and sovereignty over their natural resources <sup>[60]</sup>. This debate about whether civil rights are more fundamental than economic rights continues to this day.

The drafters of the Pacts originally planned only one instrument. The original plans included only civil and civil rights, but economic and social rights were also proposed. Disagreement over which rights were basic human rights led to the existence of two covenants. The debate was whether economic and social rights express expectation, as opposed to basic human rights, which all people have solely by virtue of being human, because economic and social rights depend on wealth and the availability of resources. Moreover, unlike basic human rights which are determined solely by the nature (mental and physical capacities) of people, the recognition of social and economic rights depends on ideology or economic theories. It was debated whether economic rights were appropriate subjects for binding obligations and whether the lack of consensus on these rights would diminish the validity of political rights. There was broad agreement and clear recognition that the means required to enforce or induce compliance with socio-economic enterprises differed from the means required for civil rights. <sup>[61]</sup>

This debate and the desire for the largest possible number of signatories to human rights law led to two treaties. The [Soviet](#) bloc and a number of [developing countries](#) supported the inclusion of all rights in a so-called Unity Resolution. Both treaties allow states to derogate from certain rights. Those in favor of a single treaty were unable to gain sufficient consensus <sup>[62][63]</sup>.

**International Treaties** [ [Edit](#) | [edit code](#) ]



"No child should be treated unfairly for any reason." <sup>[64]</sup>

In 1966, the [International Covenant on Civil and Political Rights](#) <sup>[37]</sup> (ICCPR) and the [International Covenant on Economic, Social and Cultural Rights](#) <sup>[38]</sup> (ICESCR) were adopted by the United Nations, transforming the rights contained in the convention of human rights in binding on all states that have signed the convention, creating human rights law.

Since then many other conventions (legislation) have been proposed at the international level. They are popularly known as declarations of human rights. Some of the most important, also known as (including the ICCPR and ICESCR) "the seven fundamental treaties", are:

- [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW, adopted 1979, entry into force: 1981) <sup>[65]</sup>.
- [Convention on the Elimination of All Forms of Racial Discrimination](#) (CERD, adopted 1965, entry into force: 1969) <sup>[66]</sup>.
- [Convention on the Rights of Persons with Disabilities](#) (CRPD, adopted 2006, entry into force: 2008) <sup>[67]</sup>.
- [Convention on the Rights of the Child](#) (CRC, adopted 1989, entry into force: 1989). It is the first global, legally binding, children's rights code in history <sup>[68]</sup>.
- [United Nations Convention Against Torture](#) (CAT, adopted 1984, entry into force: 1987) <sup>[69]</sup>.
- [International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families](#) (ICRMW or more commonly MWC, adopted 1990, entry into force: 2003) <sup>[70]</sup>.



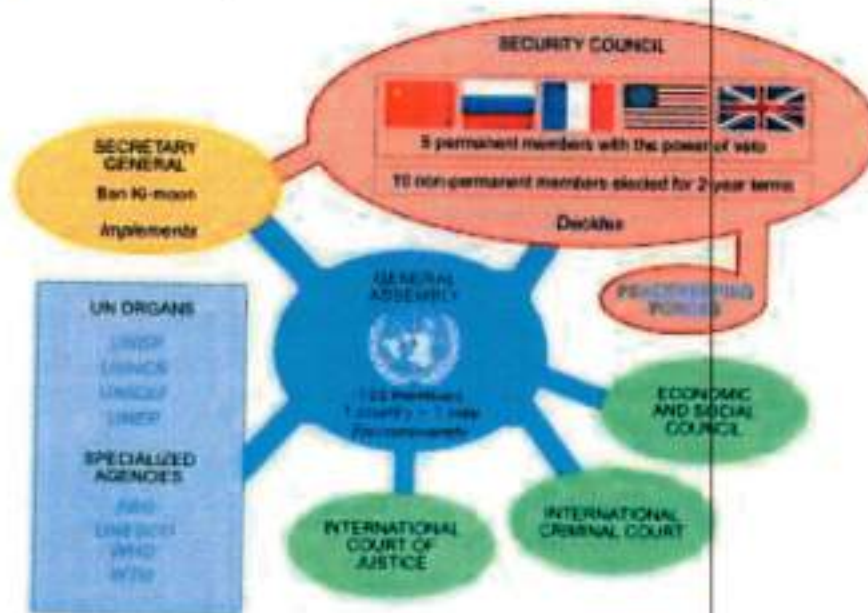
## Customary international law [ [Edit](#) | [edit code](#) ]

In addition to protection from international conventions, customary international law may protect some human rights such as the prohibition of torture, genocide [and](#) slavery, as well as the principle of non-discrimination <sup>[71]</sup>.

## International humanitarian law [ [Edit](#) | [edit code](#) ]

Main article: [Geneva Conventions](#)

The Geneva Conventions were formulated between 1864 and 1949 as a result of the efforts of [Henrique Dunant](#), founder of the International Committee of the [Red Cross](#). The conventions protected the rights of individuals involved in armed conflict, and based on the Hague Conventions of 1899 and 1907, were the first attempt by the international community to formalize the laws of war and war crimes through a secular international [law](#). The conventions were revised as a result of [World War II](#) and reissued by the international community in [1949](#).



Schematic structure of the [United Nations](#). <sup>[72][73]</sup>

## United Nations System [ [Edit](#) | [edit code](#) ]

Main article: [United Nations](#)

The [United Nations Charter](#) and multilateral human rights treaties give the United Nations a mandate and international jurisdiction to implement universal human rights laws <sup>[74]</sup>. Human rights issues mainly concern the Security Council and the Human Rights Council, which are parts of the United Nations mechanism. There are also multiple committees within the UN to protect various human rights treaties. The Office of the High Commissioner for Human Rights is the highest body in the field of human rights. The UN has an international mandate:

To achieve international cooperation to solve international problems of an economic, social, cultural and humanitarian nature, and to develop and

encourage respect for human rights and fundamental freedoms for all, without distinction of race, sex, language or religion.

— Article 1.3 of the United Nations Charter

Political Bodies [ [Edit](#) | [edit code](#) ]

Security Council [ [Edit](#) | [edit code](#) ]

Main article: [United Nations Security Council](#)

The UN Security Council is primarily responsible for maintaining international peace and security and is the only UN body authorized to use force. He has been criticized for his inability to prevent human rights abuses such as the [Darfur crisis](#), the [Srebrenica massacre](#) and the [Rwandan genocide](#)<sup>[75]</sup>. The presence of non-democratic states in the Security Council, for example, has been for critics the reason for its failure to address these violations<sup>[76]</sup>.

On [28 April 2006](#), the Security Council adopted Resolution 1674 which reaffirmed the responsibility to protect populations from [genocide](#), [war crimes](#), [ethnic cleansing](#) and [crimes against humanity](#), while at the same time committing its members to take action to protect civilian populations from armed conflict.<sup>[77][78][79]</sup>



The hall of the [UN General Assembly](#).

General Assembly [ [Edit](#) | [edit code](#) ]

Main article: [General Assembly of the United Nations](#)

The General Assembly of the United Nations has, according to Article 13 of the Charter of the United Nations, the power to initiate studies and make proposals on issues concerning human rights<sup>[80]</sup>. The General Assembly is therefore expected to adopt a number of human rights instruments, the first being the Universal Declaration of Human Rights in 1948<sup>[80]</sup>. Several of its subsidiary bodies focus on specific human rights issues, such as the Special Commission on Decolonization and the Special Commission against [Apartheid](#) (now inactive). In addition, it has created several other subsidiary bodies that deal with human rights issues in some high-profile contexts, such as the United Nations Council on Namibia, the Special Commission to Investigate [Israeli](#) Practices in the Occupied Territories, and



the Commission on the Exercise of inalienable rights of the people of [Palestine](#) <sup>[81]</sup>.

Human Rights Council [ [Edit](#) | [edit code](#) ]

The United Nations Human Rights Council, established at the 2005 World Summit to replace the United Nations Commission on Human Rights, is mandated to investigate human rights violations <sup>[82]</sup> <sup>[83]</sup>. The Human Rights Council is an auxiliary body of the General Assembly <sup>[84]</sup>, to which it reports directly. It ranks under the Security Council, which is empowered to interpret the United Nations Charter <sup>[85]</sup>. 47 of the 191 member states participate in the council and are elected by a simple majority in a secret ballot of the General Assembly. The term of office of the members lasts up to 6 years, but can be suspended in case of gross violation of human rights. The Council is based in [Geneva](#) and meets three times a year or more often to respond to urgent situations <sup>[86]</sup>.

The Council maintains independent experts (rapporteurs) who investigate allegations of human rights violations and deliver reports to the Council.

The Human Rights Council can call on the Security Council to act when such violations occur. This may involve direct action or sanctions, and the Security Council may also refer cases to the [International Criminal Court](#) (ICC) <sup>[87]</sup> even if these are outside the ICC's normal jurisdiction. For example, the Security Council referred human rights violations in [Sudan](#)'s [Darfur](#) to the ICC, despite the fact that Sudan had a functioning legal system.

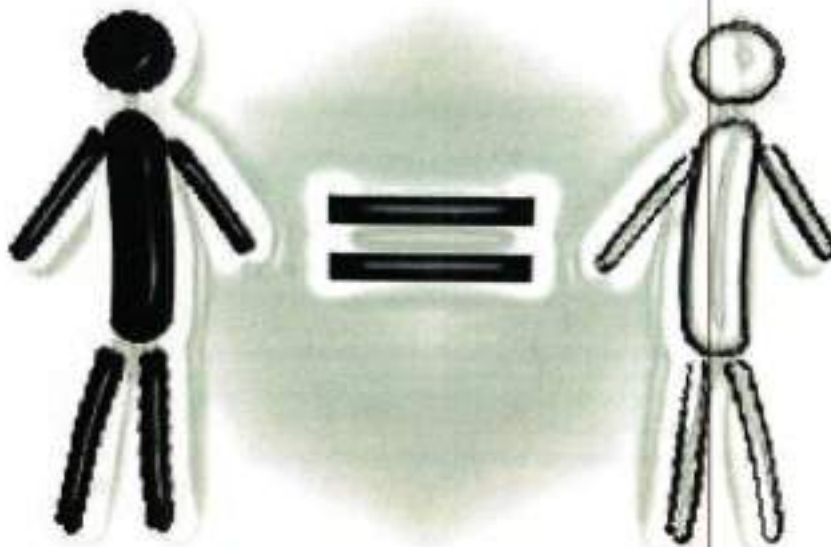
Treaty Bodies [ [Edit](#) | [edit code](#) ]

In addition to political bodies, whose mandate derives from the [UN Charter](#), the UN has established a number of treaty-based bodies that include committees of independent experts that monitor compliance with human rights norms derived from core human rights treaties, rights. They follow and are supported by the same condition that created them. In fact, with the exception of the Center for Economic and Social Rights established by the resolution of the [Economic and Social Council](#) to monitor functions originally assigned to this Covenant body, are theoretically autonomous bodies defined by the treaties that oversee and are accountable to the members who contributed to those treaties and not to the UN. In practice, however, they are closely intertwined with the United Nations system and are supported by the United Nations High Commissioner for Human Rights and the United Nations Center for Human Rights <sup>[88]</sup> <sup>1</sup>:

- The *Human Rights Committee* promotes participation in the standards of the [International Covenant on Civil and Political Rights](#) <sup>[37]</sup>. The 18 members of the commission express opinions and judgments on individual complaints against states that have ratified an Optional Protocol to the treaty. Decisions, called "opinions" are not legally binding.
- The *Committee on Economic, Social and Cultural Rights* monitors the [International Covenant on Economic, Social and Cultural Rights](#) <sup>[38]</sup> and comments generally on the performance of states that have ratified it. It will be able to receive complaints against States parties to the Optional Protocol once it enters into force. It is worth noting that unlike



other treaty bodies, the economic committee is not an autonomous body responsible for the members of the treaty, but directly subordinate to the Economic and Social Committee and by extension to the General Assembly. This means that the Economic Commission faces particular difficulties as it has relatively "weak" means of enforcement in contrast to other treaty bodies <sup>[89]</sup>. Commentators note specific difficulties such as: alleged inactivity of treaty principles, relative lack of texts and decisions, reluctance of many states to consider economic, social and cultural rights, relatively few non-governmental organizations focused on the region, and problems in obtaining relevant information <sup>[89]</sup> <sup>[90]</sup>.



Racism has cost the lives of countless innocent people in the past. The United Nations is working towards its elimination: " ... *without discrimination of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other situation.* » <sup>[91]</sup>

- The *Committee on the Elimination of Racial Discrimination* monitors the Convention on the Elimination of Racial Discrimination <sup>[66]</sup> and organizes regular inspections of states on their performance. It can issue decisions on complaints against countries that allow racial discrimination, but these are not legally binding. It issues warnings in an attempt to prevent serious violations of the treaty.
- The Committee on the Elimination of Discrimination against Women monitors the Convention on the Elimination of All Forms of Discrimination against Women <sup>[65]</sup>. It receives reports from states on their performance, commenting on them, and issues decisions on complaints against countries participating in the 1999 Optional Protocol.
- The *Committee Against Torture* monitors the United Nations Convention against Torture <sup>[69]</sup> and every four years receives reports from states on their performance, commenting on them. Its sub-committee has the ability to visit and inspect countries participating in the Optional Protocol.
- The *Committee on the Rights of the Child* monitors the Convention on the Rights of the Child <sup>[68]</sup> and comments on reports submitted to it by states every five years. It does not have the ability to receive complaints.



- The *Committee on Migrant Workers* was established in [2004](#) and monitors the United Nations Convention on the Protection of the Rights of All Migrant Workers and Their Relatives <sup>[70]</sup> and comments on state reports every five years. If ten member states allow it, it can receive complaints.
- The *Committee on the Rights of Persons with Disabilities* was established in [2008](#) to monitor the Convention on the Rights of Persons with Disabilities <sup>[67]</sup>. It can receive complaints against States parties to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Apart from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which is supported by the Department for the Advancement of Women, each treaty body receives secretariat support from the Human Rights Council as well as the Treaties Department of the Office of the High Commissioner on Human Rights in Geneva. The ECJ once met at UN headquarters in New York, but now meets more often in Geneva, like all other treaty bodies. The Human Rights Commission usually meets in New York in March.

### Regional Human Rights Regimes [\[ Edit | edit code \]](#)

International human rights regimes are, in many cases, 'nested' within multiple complex and overlapping local agreements. These regional regimes can be considered relatively autonomous coherent human rights sub-regimes <sup>[92]</sup>. Three main regional human rights instruments are evident: the [African Charter on Human and Peoples' Rights](#) <sup>[93]</sup>, the [American Convention on Human Rights](#) <sup>[94]</sup> (North and South America) and the [European Convention on Human Rights](#) <sup>[95]</sup>. The latter has defined and ensured since [1950](#) human rights and fundamental freedoms in [Europe](#) <sup>[96]</sup>. All 47 member states of the [Council of Europe](#) have signed the Convention and are therefore subject to the jurisdiction of the [European Court of Human Rights](#) based in [Strasbourg](#) <sup>[96]</sup>.

### Non-governmental organizations [\[ Edit | edit code \]](#)



Visitors to [Athens Pride](#) discuss with members of a human rights [non-governmental organization](#).

Main article: [non-governmental organization](#)

International non-governmental human rights organizations such as [Amnesty International](#), [Human Rights Watch](#), the [International Agency for Human Rights](#) and the [International Federation of Human Rights](#) monitor what they consider important human rights issues around the world and promote their opinion on them. Human rights organizations are seen as "turning complex international issues into activities for concerned citizens to undertake in their communities" <sup>[97]</sup>. Often these organizations are engaged in promoting interests on behalf of human rights which they defend by trying to persuade the United Nations, supranational bodies and national governments to adopt their human rights policies. Many human rights organizations, in fact, also have observer status in the various relevant bodies of the United Nations. A recent non-governmental conference on human rights was the Oslo Freedom Forum (2009) about which the [Economist wrote](#) that it is "on its way to becoming the equivalent of the Davos economic forum for human rights" while also noting that human rights advocates are increasingly divided over the definition of human rights, particularly in relation to the Middle East <sup>[98]</sup>.

Criticism is leveled at human rights organizations that use their position but stray from their stated goals. Gerald Steinberg, for example, an Israeli academic, argues that NGOs take advantage of the so-called "halo effect" and are "given the status of impartial moral watchdogs" by governments and the media <sup>[99]</sup>. According to the above criticism, this can be seen at various levels of government, even when human rights groups testify before commissions of inquiry <sup>[100]</sup>.

## Greece [ [Edit](#) | [edit code](#) ]

The [National Commission for Human Rights](#) (HEDA) is an advisory body of the [Greek State](#) in matters of protection and promotion of Human Rights <sup>[101]</sup>, while the [Hellenic Union for the Rights of Man and Citizen](#) (HEDAP), founded in 1936 and year of re-establishment in 1953, it is the oldest non-governmental human rights protection organization that exists in Greece <sup>[102]</sup>.





The [dropping of the atomic bombs on Hiroshima and Nagasaki](#) resulted in the instantaneous death of over 100,000 people. In the following months, due to radiation, the number of victims doubled. In the photo a schoolgirl rings the Peace Bell <sup>[103]</sup> in [Hiroshima Peace Park](#) .

## Violations [ [Edit](#) | [edit code](#) ]

Human rights violations occur when actions by state (or non-state) actors abuse, ignore or deny basic human rights (including civil, political, cultural, social and economic rights). In addition, human rights violations can occur when a state or non-state actor violates any part of the [Universal Declaration of Human Rights](#) or other international human rights law. With regard to human rights violations under [United Nations](#) law , Article 39 of the United Nations Charter designates the [United Nations Security Council](#)(or other authorized Authority) as the only court that can determine violations of UN human rights <sup>[85]</sup> .



Prisoners in a Nazi concentration camp

Human rights violations are monitored by United Nations committees, national organizations and governments, and by many independent non-governmental organizations, such as [Amnesty International](#) <sup>[104]</sup>, the [International Federation of Human Rights](#) <sup>[105]</sup>, [Human Rights Watch](#) <sup>[106]</sup>, the [World Organization Against Torture](#) <sup>[107]</sup>, the [Freedom House](#) organization <sup>[108]</sup>, the [International Organization for the Exchange of Information on Freedom of Expression](#) <sup>[109]</sup> and the [International Organization Against Slavery](#) <sup>[110]</sup>. These organizations collect evidence and evidence of alleged human rights violations and lobby for the implementation of human rights laws.

[Aggressive wars](#), [war crimes](#) and [crimes against humanity](#), including [genocide](#), are violations of international humanitarian law and are among the most serious violations of human rights. <sup>[87][111][112]</sup>

In efforts to eliminate human rights violations, awareness-building and protest against inhumane treatment have often led to calls for action and sometimes improved situations. The United Nations Security Council has mediated with peacekeepers, and other states and treaties (such as [NATO](#)) have intervened in situations to protect human rights.

### **Multinational companies** [\[ Edit | edit code \]](#)

[Multinational corporations](#) play an ever-increasing role in the world and are responsible for many human rights abuses <sup>[113]</sup>. Although the legal and ethical framework surrounding the actions of governments is reasonably well developed, that surrounding the activity of multinational corporations is considered more controversial and not sufficiently clarified. The primary responsibility of multinational corporations is to their [shareholders](#), not to those affected by their actions. Such corporations can be larger than the economies of some of the states in which they operate and can wield



considerable economic and political power. There are no [international treaties](#) specifically covering the conduct of companies with regard to human rights and national laws vary considerably. Jean [Ziegler](#), Special Rapporteur of the United Nations Human Rights Commission on the [right to food](#), stated in a 2003 report:

The growing power of transnational corporations and the expansion of their power through privatization, deregulation and withdrawal of the State also means that it is time to develop binding legal rules that will hold corporations within the framework of human rights and prevent potential abuse of their position of power [\[114\]](#).

In August 2003 the UN Human Rights Commission's sub-committee on the Promotion and Protection of Human Rights issued the draft "Regulations on the Human Rights Responsibilities of Transnational Corporations and Other Enterprises" [\[115\]](#). These were taken into account by the Human Rights Commission in 2004, but are non-binding and unmonitored [\[116\]](#).

### **In the Greek state** [ [Edit](#) | [edit code](#) ]

Greece has been accused several times of human rights violations [\[117\]](#)[\[118\]](#)[\[119\]](#).

## **Substantial Rights** [ [Edit](#) | [edit code](#) ]

### **Right to life** [ [Edit](#) | [edit code](#) ]

The right to life is inherent in man. This right must be protected by law. No one can be arbitrarily deprived of life [\[120\]](#).

The right to life is the essential human right not to be killed by another human being. The concept of the right to life is central to the discussion of issues of [abortion](#), [capital punishment](#), [euthanasia](#), [self-defense](#) and [war](#). According to human rights [activists](#), the death penalty is a violation of this right [\[121\]](#). The United Nations has called on states that retain the death penalty to establish a tribunal to abolish it [\[122\]](#). Any state that does not participate in this effort is under significant moral and political pressure.

### **Freedom from slavery** [ [Edit](#) | [edit code](#) ]

Freedom from [slavery](#) is internationally recognized as a human right. Article 4 of the [Universal Declaration of Human Rights](#) dictates the following:

No one is allowed to live in total or partial slavery. Slavery and slave trade in any form is prohibited [\[123\]](#)[\[124\]](#).



In the literary work of the [Marquis de Sade](#), a wide variety of [torture](#) is presented .

Despite this, the number of slaves today is higher than at any other time in history <sup>[125]</sup> and is estimated at anywhere from 12 <sup>[126]</sup> to as many as 27 million <sup>[127][128][129]</sup> . Most are enslaved by debts owed to creditors, often even for generations <sup>[130]</sup> . Human trafficking occurs mainly for the export of women and children to sex industries <sup>[131]</sup> .

Groups such as the American [Anti-Slavery Group](#) , [Free the Slaves](#) and the British [Anti-Slavery International](#) are still working to eradicate slavery in the world.

### Freedom from torture [ [Edit](#) | [edit code](#) ]

Torture has historically been used as a means of political re-education, interrogation, punishment and coercion . Beyond state torture, individuals or groups may be motivated to torture others for reasons similar to those of a state. But the motivation to torture may come from the need for [sadistic](#) gratification of the torturer, as in the case of [Moore's killers](#) .

Torture is prosecuted under international and domestic law in most countries in the 21st century. They are considered a violation of human rights, and have been declared impermissible by Article 5 of the Universal Declaration of Human Rights of the United Nations <sup>[132]</sup> . The signatories of the Geneva Conventions of 1949 and Additional Protocols I and II of June 8, 1977 formally agreed not to torture prisoners of war, whether international or domestic. Torture is also prohibited by the United Nations Convention Against Torture <sup>[69]</sup> , which has been ratified by 155 countries <sup>[133]</sup> .

States unanimously prohibit torture, internationally as well as in their territories, as it is immoral and impractical <sup>[134]</sup> . Despite these international conventions, organizations that monitor the abuse of human rights (eg



Amnesty International, International Council for the Rehabilitation of Torture Victims) denounce the widespread use of torture that is ignored by states in many regions of the world [135]. Amnesty International estimates that at least 81 governments practice torture, some even openly [136].

### Right to a fair trial [ [Edit](#) | [edit code](#) ]

Every person has a full right to a fair and public hearing by an independent and impartial tribunal, for the determination of his rights and obligations and of any charge against him [137].

The right to a fair trial has been defined by numerous local and international human rights [organizations](#). It is one of the most widespread human rights and all human rights organizations enshrine it in more than one article [138]. The right to a fair trial is one of the most litigated and there is significant [jurisprudence](#) on the interpretation of this human right [139]. Despite the differences in wording and positioning of the various rights to a fair trial, international human rights organizations define the right to a fair trial in broadly the same terms [140]. The aim of the right is to preserve the correct administration of justice. As minimum requirements, the right to a fair trial includes the following individual rights during [civil](#) and [criminal](#) hearings [141]:

- The right to a trial by a competent, independent and impartial tribunal.
- The right to a public hearing.
- The right to a reasonable hearing.
- The right of defence.
- The right of interpretation [142].

### Right to privacy [ [Edit](#) | [edit code](#) ]

According to article 12 of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary interference with his private life, family, home or correspondence, nor to insults to his honor and reputation. Everyone has the right to be protected by the laws from interventions and insults of this kind [143]." According to [Article 9](#) of the Greek Constitution: "The private and family life of the individual is inviolable."

The right to private life is a fundamental human right, because it is directly related to human dignity [143], while it is also a decisive factor for other fundamental human rights, such as the [right to freedom of thought, conscience and religion](#) and the [right to freedom of of speech](#) [144][145][146].

### Right of movement [ [Edit](#) | [edit code](#) ]

Freedom of movement guarantees that the citizen of a state in which that citizen is located has the freedom to travel, reside, and/or work in any part of the state he chooses, within the limits of respect for the freedom and rights of others, and to leave and re-enter this State at any time.





According to human rights every person is [free](#) to [believe](#) in any [religion](#) they want, or not believe in any.

### **Freedom of thought, conscience and religion** [ [Edit](#) | [edit code](#) ]

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion and belief and freedom to manifest one's religion or belief, individually or in community with others, in public or in private through worship, observance, practice and teaching.

— Article 18 of the International Covenant on Civil and Political Rights

Freedom [of thought](#) , [conscience](#) and [religion](#) are closely related rights that protect the freedom of an individual or community, in public or private, to think and hold their ideological beliefs freely and to manifest their religion or beliefs, individually or in association with others , through worship, ritual acts, practice and teaching. The concept is generally recognized to also include one's freedom to convert or to believe in no religion <sup>[147]</sup> . One's freedom to leave or cease membership in a religion or religious group – in religious terms the so-called "[apostasy](#)" – is also a fundamental part of religious freedom, as covered by article 18 of the Universal Declaration of Human Rights <sup>[148]</sup> .

Human rights organizations, such as [Amnesty International](#) , campaign to protect those arrested and/or imprisoned as prisoners of conscience because of their ideological beliefs, particularly with regard to intellectual, political and artistic freedom of expression and association <sup>[149]</sup> . In law, the conscience clause is a provision of law that exempts a healthcare professional from complying with legislation (eg surgical or medical abortion) if it is inconsistent with their religious or ideological beliefs <sup>[150]</sup> .

### **Freedom of speech** [ [Edit](#) | [edit code](#) ]

Main article: [Freedom of speech](#)

Freedom of speech is to speak freely without being [censored](#) . The term [freedom of expression](#) is sometimes used as a synonym, but it includes any act of seeking, receiving and transmitting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute

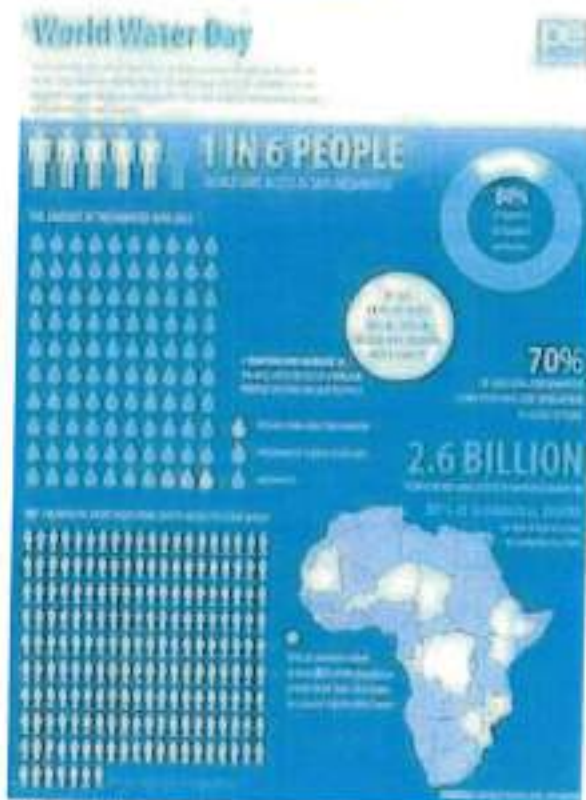


in any country and various manifestations of it are subject to restrictions, such as libel, slander, obscenity, incitement to [criminal acts](#), etc.

Freedom of expression is recognized as a human right in Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law and the International Covenant [on Civil and Political Rights](#) (ICCPR). Article 19 of this International Covenant states that "everyone has the right to hold an opinion uninfluenced" and "everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of works of art, or through any other medium of his choice" [151].

### Rights to public debate [ [Edit](#) | [edit code](#) ]

Events and new possibilities can affect existing rights or create the need for new ones. Advances in [technology](#), [medicine](#), and [philosophy](#) continually challenge the [status quo](#) of human rights logic [152].



187 [children](#) die every hour because they do not have access to clean [water](#).

### Access to water [ [Edit](#) | [edit code](#) ]

The [right to water](#) [153] [154] [155] has been recognized in a wide range of international instruments, including treaties, declarations and other standards. For example, the 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW) requires member states to ensure for women the right "To enjoy adequate living conditions, in particular [...] the provision of [...] of water" [156]. The 1989 [Convention on the Rights of the Child](#) (CRC) requires states parties to combat disease and malnutrition "both by providing nutritious food and clean drinking water" [157].

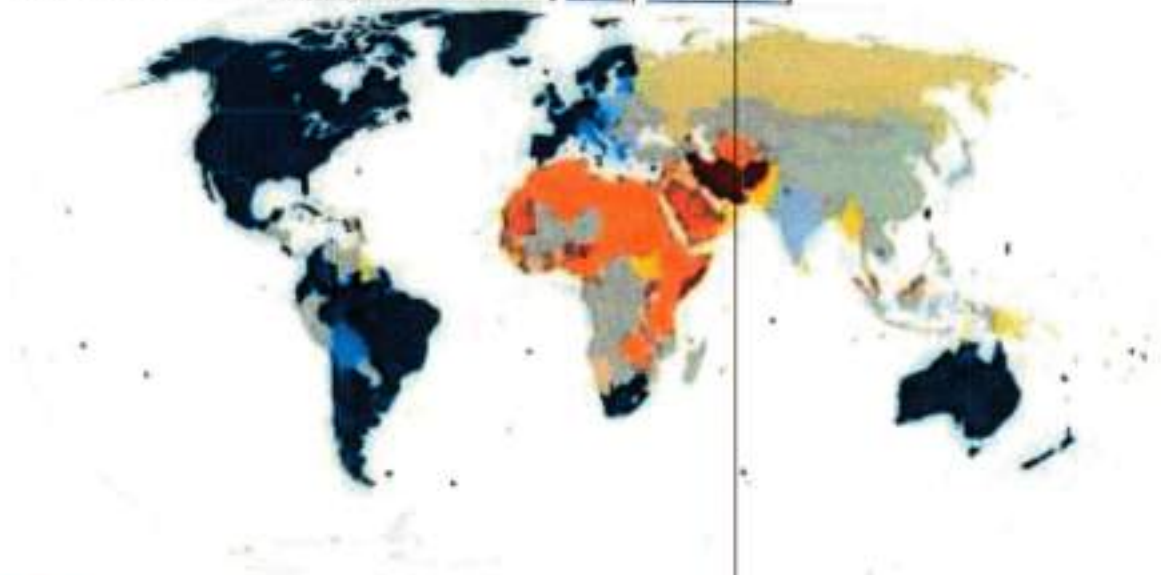
The clearest definition of the Human Right to Water has been given by the UN Commission on Economic, Social and Cultural Rights. This body interpreted the legal obligations of a State party to the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) by issuing in [2002](#) a non-binding interpretation confirming that access to water was a prerequisite for the right to an adequate standard of living and that it is intertwined with the right to the attainment of the highest attainable standard of health (see ICESCR Article 11 & 12 <sup>[158]</sup>), and is therefore a human right:

The human right to water provides everyone with the right to sufficient, safe, acceptable, physically and economically accessible water for personal and domestic use <sup>[159][160]</sup>.

On [July 28, 2010](#), the [United Nations General Assembly](#) declared water and sanitation as human rights <sup>[161]</sup>. Today, all States have ratified at least one human rights convention that directly or indirectly recognizes the right, and all have signed at least one political declaration that recognizes this right.

[March 22](#) is designated as [World Water Day](#) <sup>[162]</sup>.

**Sexual orientation and gender identification** [\[ Edit | edit code \]](#)



[\[ 1 \]](#) [\[ 2 \]](#) [\[ 3 \]](#)

**Same-sex intercourse is illegal. Penalties:**

Death penalty	Death penalty, not applicable
Imprisonment	Imprisonment, not applicable <sup>1</sup>
Death under militia	Detention without prosecution

**Same-sex intercourse is legal. Identification of compounds:**

Marriage <sup>2</sup>	Extraterritorial marriage <sup>3</sup>
Civil union or cohabitation agreement	Limited domestic recognition
Limited foreign recognition	Optional certification
Not at all	Limited expression

The rings indicate areas where they work on a case-by-case basis.

<sup>1</sup> There have been no arrests in the past 3 years or a moratorium on the legislation.

<sup>2</sup> For some jurisdictions the law may not apply.

<sup>3</sup> Marriage is not available locally. Some jurisdictions apply other types of partnership.

**Main article:** [LGBT rights in the world](#)



Rights to [sexual orientation](#) and gender identity relate to the expression of sexual orientation and gender identity based on the [right to respect for private life](#) and the right not to be discriminated against because of "other status" as defined in various human rights conventions, such as article 17 and 26 of the [United Nations International Covenant on Civil and Political Rights](#) <sup>[163]</sup> and article 8 and 14 of the [European Convention on Human Rights](#) <sup>[164]</sup>.

As of 2011, [homosexual](#) behavior is illegal in 76 countries and punishable by death in seven countries <sup>[165]</sup>. The criminalization of private, consensual, adult sexual relations, especially in countries where there is a corporal or [death penalty](#), is one of the main concerns of [LGBT human rights defenders](#) <sup>[166]</sup>.

Other topics include: [government recognition](#) of same-sex relationships, LGBT adoption, sexual orientation and military service, immigrant equality, anti-discrimination laws, anti-LGBT violence hate crime legislation, sodomy laws, anti - lesbian [laws](#) and equal age of consent for same-sex sexual activity <sup>[167][168][169][170][171][172]</sup>.

A global charter on sexual orientation and gender identity rights has been proposed in the form of the "Yogyakarta Principles", a set of 29 principles whose authors say they implement the International Human Rights Law statute, in line with past relevant experiences of LGBT people <sup>[173]</sup>. The principles of the world map were presented at a United Nations event in New York on November 7, 2007, which was co-sponsored by [Argentina](#), [Brazil](#) and [Uruguay](#).

The principles have been recognized and influenced France's proposed UN declaration on sexual orientation and gender identity, which focuses on ending violence, criminalization and the death penalty and does not include a dialogue on same-sex marriage or right of an individual to start a family <sup>[174][175]</sup>.

This proposal was supported by 67 of the 192 countries then members of the United Nations, including all EU member states and the United States. An alternative statement opposing the proposal was initiated by Syria and has been signed by 57 member states, including all 27 Arab [League](#) nations, as well as [Iran](#) and [North Korea](#) <sup>[176][177]</sup>.

Copyright [ [Edit](#) | [edit code](#) ]

Reproductive [rights](#) are the rights related to reproduction and reproductive health <sup>[178]</sup>. The [World Health Organization](#) defines reproductive rights as follows:

Reproductive rights are based on the recognition of the fundamental right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, as well as the right achieve the highest level of sexual and reproductive health. They also include everyone's right to make reproductive decisions free from discrimination, coercion and violence.

— World Health Organization <sup>[179]</sup>

Reproductive rights were first established as a subset of human rights in the [1968](#) United Nations International Conference on Human Rights [\[180\]](#). The sixteenth article of the resulting Tehran Declaration states: "Parents have a basic human right, to freely and responsibly determine the number and spacing of the births of their children [\[180\]](#) [\[181\]](#) [L](#)."



More and more people around the world are accessing the [Internet](#) [\[182\]](#). In the photo [Mark Zuckerberg](#), creator of [Facebook](#).

Reproductive rights may include some or all of the following rights: the right to legal or safe [abortion](#), the right of each individual to control their personal reproductive functions, the right to quality reproductive health care, and the right to education and access, in order for (individuals) to make reproductive choices without coercion, discrimination and violence [\[183\]](#).

Reproductive rights can also be understood to include education about [contraception](#) and [sexually transmitted infections](#), and freedom from compulsory sterilization and contraception, protection from gender-based practices such as [female genital mutilation \(clitoridectomy\)](#) and men ([circumcision](#)) [\[178\]](#)[\[180\]](#)[\[183\]](#)[\[184\]](#).

**Information and telecommunications technologies** [ [Edit](#) | [edit code](#) ]

In October 2009, the Ministry of Transport and Communications of [Finland](#) announced that every person in the country would have the legal [right to access the Internet](#) [\[185\]](#). Since July 2010, the government has required telecommunications companies by law to offer broadband Internet access [to](#) every permanent home and office. The connection must be "reasonably priced" and have a download speed of at least 1 Mbit/s [\[186\]](#).

In March 2010, the [BBC](#), having commissioned a relevant [poll](#), reported that "almost four in five people around the world believe that access to the Internet



is a fundamental right <sup>[187]</sup> ". The poll, conducted by polling firm GlobeScan for the [BBC World Service](#) , gathered the responses of 27,973 adult citizens from 26 countries and found that 79% of adults agreed, either "strongly" or "somewhat", with the statement: "the access to the internet should be a fundamental right of all people <sup>[188]</sup> '.

Trade [ [Edit](#) | [edit code](#) ]

Although both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Educational Rights emphasize the importance of the right [to work](#) , neither of these documents explicitly mentions free [trade](#) as a mechanism to ensure this of the fundamental right. And yet trade plays a key role in providing jobs <sup>[189]</sup> .

Some experts argue that trade is inherent in human nature and that when governments impede international trade they directly impede the right to work and the other indirect benefits, such as the right to education, that are aided by increased work and [investment](#) <sup>[190]</sup> . Others have argued that the ability to trade does not affect everyone equally, often groups such as poor villagers, indigenous people and women are less likely to access the benefits of increased trade <sup>[191]</sup> .

On the other hand, others believe that it is no longer primarily individuals, but corporations [that](#) trade, and therefore cannot be guaranteed as a human right <sup>[192]</sup> <sup>[193]</sup> . Furthermore, by trying to include so many concepts under the umbrella of what can be considered a human right there is the possibility of diluting its importance. Finally, it is difficult to define the [right to trade](#) as either "fair" <sup>[194]</sup> or "just" the fact that the current trade regime creates winners and losers, but reforming it is likely to produce (different) winners and losers <sup>[195]</sup> .



One of the human rights in public debate is the right to [bear arms](#) .

Right to bear arms [ [Edit](#) | [edit code](#) ]

The right [to keep](#) and [bear arms](#) for [defense](#) is described in the philosophical and political writings of [Aristotle](#) , [Cicero](#) , [Machiavelli](#) , [John Locke](#) , the [English Whigs](#) and others <sup>[196]</sup> . In countries with an English common law



tradition, the long-standing common law right to keep and bear arms has long been recognized as pre-existing at common law, even before the creation of national constitutions [197<sup>1</sup>].

**Future generations** [ [Edit](#) | [edit code](#) ]

In 1997, [UNESCO](#) adopted the "Declaration on the Responsibilities of the Present Generation to Future Generations". The Declaration begins with the words:

Considering the will of the peoples, formally defined in the Charter of the United Nations, to "save future generations from the scourge of war" and to defend the values and principles enshrined in the Universal Declaration of Human Rights, as well as in other relevant acts of international law.

— Declaration on the responsibilities of the present generation to the future generation

Article 1 of the declaration states that "present generations have the obligation to ensure that the needs and interests of present and future generations are fully guaranteed". The preamble to the declaration states that "at this point in history, the very existence of humanity and its environment are threatened" and the declaration covers a variety of issues, including environmental protection, the human [genome](#), [biodiversity](#), [cultural](#) heritage, peace, development and education.

The preamble recalls that the obligations of present generations towards future generations have been referred to in various international instruments, including the Convention for the Protection of the World Cultural and Natural Heritage (UNESCO 1972), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity (Rio de Janeiro, 1992), the Rio Declaration on Environment and Development (United Nations Conference on Environment and Development, 1992), the Vienna Declaration and Program of Action (World Conference on Human Rights, 1993) and a series of United Nations General Assembly resolutions on the protection of the global climate for present and future generations issued since 1990 [198<sup>1</sup>].

## Relation to other topics [ [Edit](#) | [edit code](#) ]

### The environment [ [Edit](#) | [edit code](#) ]

There are two basic conceptions of environmental human rights in the current human rights system. The first is that the right to a healthy or suitable [environment](#) is itself a human right (as seen in article 24 of the [African Charter on Human and Peoples' Rights](#), and article 11 of the [San Salvador Protocol to the American Convention on human rights](#)) [199][200]. The second conception is the idea that environmental human rights can be derived from other human rights, usually the [right to life](#), the [right to health](#), the [right to private and family life](#) and the [right to property](#) (among many others). This second theory enjoys more extensive use in human rights courts around the world, as these rights are contained in many human rights instruments.

The onset of various environmental issues, particularly [climate change](#), has created potential conflicts between various human rights. Human rights



fundamentally require a functioning [ecosystem and a healthy environment](#), but securing some rights to individuals can harm them. Such as the conflict between the right to decide the number of one's offspring and the common need for a healthy environment, as noted in the "[tragedy of the commons](#)" <sup>[201]</sup>. In the field of environmental rights, the [responsibilities of multinational organizations](#), which so far have not been addressed by human rights legislation, need to be studied. <sup>[202][203]</sup>

Environmental [rights](#) primarily revolve around the idea of the right to a sustainable environment for both present and future generations.



Protest by [Amnesty International](#) for [Guantanamo](#), which has been described as "[the Gulag of our time](#)". <sup>[204]</sup>

## National Security [\[ Edit | edit code \]](#)

With the exception of [inviolable human rights](#) (international conventions classify as inviolable rights the [right to life](#), the [right to be free from slavery](#), the [right to be free from torture](#) and the [right to be free from retroactive application of criminal laws](#) <sup>[44]</sup>), the United Nations recognizes that human rights may be limited or even set aside in times of national emergency, although:

... the emergency must be real, affect the entire population, and threaten the very existence of the nation. The declaration of emergency should also be a last resort and a temporary measure.

— United Nations <sup>[44]</sup>

Rights that cannot be taken away under any circumstances for reasons of national security are known as [peremptory rules or jus cogens](#). The obligations of the United Nations Charter are binding on all Member States and cannot be modified by Treaty.

Examples of national security invocations used to justify [human rights abuses](#) include the [persecution of Japanese Americans during World War](#)

II <sup>[205]</sup>, Stalin's [Great Purge](#) <sup>[206]</sup> and abuses of the rights of [terror](#) suspects by some countries, often in the name of the [War on Terror](#) <sup>[207]</sup><sup>[208]</sup>.

## Relevance and universality [\[ Edit \]](#) [edit code](#)



No [man](#) is superior to you. Or your inferior. All people are [equal](#).

UDHR enshrines universal rights that apply to all people equally, regardless of location, country, race or culture. There is, however, within academic circles, disagreement over moral relativity and moral universality <sup>[209]</sup>. Scholars who support relativity are not against human rights, but recognize that they are socially constructed and that their form depends on cultural and environmental contexts. Universalist scholars, on the other hand, claim that human rights have always existed and apply to all regardless of gender, race, or religion.

More specifically, those in favor of cultural relativism advocate the acceptance of different cultures, which may have practices contrary to human rights. Relativists warn that universalism can be used as a kind of cultural, economic and political [imperialism](#). An example of imperialism and the destruction of local cultures justified by the desire to spread Eurocentric values is the "White Man's Burden" <sup>[210]</sup>. In particular, it is often said that the idea of human rights is based on the foundations of [liberalism](#) which, although generally accepted in the states of Europe, North America and Japan, is not necessarily the model elsewhere. <sup>[211]</sup><sup>[212]</sup>.

Opponents of relativism claim that there are customs that violate all the rules of human civilizations. [Female genital mutilation](#), found in various Asian, African, and South American cultures, <sup>[213]</sup> is a common example cited by



opponents of relativism. No religion explicitly mandates this, but it has become a tradition in many cultural groups. It is considered by a large part of the international community to be a violation of the rights of women and girls, while it has been outlawed in some countries.

Former [Singaporean Prime Minister Lee Kuan Yew](#) and his [Malaysian](#) counterpart [Mahadir bin Mohamad](#) argued in the 1990s that Asian values differ significantly from Western ones and include a sense of loyalty and a surrender of individual liberties for the sake of social stability and prosperity, and therefore authoritarian governments are better suited to Asia than [democracy](#). Lee Kuan Yew argued that "What Asians value is not necessarily what Europeans or Americans value. Westerners value individual freedoms. As an Asian of Chinese descent, my own values support a government with honesty, effectiveness and efficiency." <sup>[214]</sup>

In response to this, some critics have highlighted the potential of cultural relativism to justify authoritarianism. The [Iranian](#) representative to the United Nations [Said Rajaei-Khorasani](#), for example, in 1981 expressed his country's position on the Universal Declaration of Human Rights, saying that the UDHR is a "secular conception of the Judeo-Christian [tradition](#)" which does not it can be applied to [Muslims](#) without violating Islamic law <sup>[215]</sup>. The Asian values argument was criticized by his former deputy Mahadir [Anwar Ibrahim](#) who said that "To say that freedom is Western or un-Asian is an insult to our traditions as well as to our ancestors, who sacrificed themselves in the struggle against tyranny and injustice" as well as by Singapore Democratic Party leader Chee [Soon Chuan](#), who states that it is [racist](#) to argue that Asians do not want human rights. <sup>[216]</sup>

Proponents of moral universalism claim that the relativists' arguments ignore the fact that modern human rights are new to all cultures, and did not occur before the 1948 UNCRC. They state that the UNCRC was designed by culturally diverse people among whom, among others, an American [Roman Catholic](#), a Chinese [Confucian](#) philosopher, a French [Zionist](#) and a representative of the [Arab League](#), and drew on thinkers such as [Gandhi](#) <sup>[59]</sup>. Michael [Ignatieff](#) has referred to cultural relativism as an argument used exclusively by those who exercise power in cultures that violate human rights <sup>[217]</sup>. This reflects the fact that the difficulty in judging universality versus relativism lies in who claims to represent a particular culture. Although the debate on universality or relativity is far from over, it is an academic debate that focuses on whether international human rights bodies adhere to the principle that human rights have universal validity. In 2005 at the World Summit, this principle was reaffirmed by the international community:

The universal character of human rights and freedoms is beyond dispute.

— 2005 World Summit, paragraph 120 <sup>[41]</sup>



## Genocide



From Wikipedia, the free encyclopedia



Victims of the [Armenian Genocide](#)

Genocide (from the Greek words *genos* + *kteino* (=to kill) ) is a term of international law that was established after the [Second World War](#) . It refers to the systematic persecution of a nation or race with the ultimate goal of their extinction.

This term literally refers to the concept that has existed since ancient times and more precisely to one of the most ancient mass crimes aimed at the systematic, mostly violent means, intended extermination of an entire race or part of it in a certain place.

Genocide can be pursued either by a series of mass murders of all or nearly all members of a tribe, or by systematic weakening of it (by various means) until the gradual extermination of the tribe. These violent means also include a series of prohibitive measures on national, religious, linguistic, moral, historical or other traditions in order to differentiate or alter the persecuted race with the certain loss of its national and racial characteristics over time. However, the attribution of the term for a specific action, of an organized nature, involves subjective criteria and in recent years has caused a difference of opinion several times.

According to Article 2 of the Convention on the Prevention and Suppression of the Crime of Genocide, Genocide is defined as

" ...any of the following acts aimed at the partial or total annihilation of a racial, ethnic or religious group, such as:

1. Killing team members
2. Causing serious physical or mental harm to team members
3. Deliberate imposition of living conditions aimed at the physical annihilation, total or partial, of members of the group



4. Imposing measures aimed at preventing births within the group
5. Forcibly transferring minor members of the group to another."

- Convention on the Prevention and Suppression of the Crime of Genocide, Article 2 <sup>[1]</sup>

It is worth noting that the term Genocide is used only when the above acts are the primary goal and core of the political decision. When the primary goal is different, but the above results as a result of policy, then the term Genocide is questioned and is often used as policy in international diplomacy. It is different from [ethnic cleansing](#) . <sup>[2]</sup>

## Enter the term [ [Edit](#) | [edit code](#) ]

The term **genocide** (and by analogy the emerging Greek *genocide* ) was first formulated by the Polish lawyer Raphael Lemkin in November 1944 <sup>[3]</sup> in his book "Axis Rule in Occupied Europe", referring to the crimes committed by Germany and its allies in then-occupied Europe. <sup>[4]</sup> Lemkin's interest in such crimes began with his studies of the Armenian massacres, and in 1933 he proposed to the International Congress of Criminal Law the use of the terms "vandalism" and "brutality", which was not accepted at the time. In 1944 Lemkin wrote that if his proposals had been accepted then, war crimes could have been punished (before the war ended). <sup>[5][6]</sup>

The horror and abhorrence caused throughout the world by the Nazis' systematic, barbaric attempt at the biological extermination of the Jewish race during World [War II](#) (from 1942 onwards) prompted the [UN General Assembly](#) to officially declare genocide as a crime punishable under [International Law](#) . Thus, this term became the main indictment term at the Nuremberg Trials.

A special convention, adopted by the assembly in December [1948](#) , stipulated that the perpetrators of such a crime (whether organs of a state, military or civil servants, or ordinary citizens) should be held personally and individually responsible for that crime and tried by the courts of the place where the crimes were committed or by the [international court](#) . This principle was applied in many criminal trials of war criminals, such as the trial of German colonel [Adolf Eichmann](#) held in the State of [Israel](#) .

N. Sarandakos claims that the first official use of the term was not in relation to the Holocaust of the Jews but in relation to the Greek Civil War. It was used for the first time on 7-3-1948 in a resolution of an international committee that denounced the kidnapping of Greek children by communists. But the next appearance of the word was again in relation to the same case by ESIEA in November 1948 when it refused to go to a conference in Budapest. <sup>[7]</sup>

## Holocaust of the Jews (1938 - 1945) [ [Edit](#) | [edit code](#) ]

Main article: [Holocaust](#)

Although at various times warlike and conquering actions have resulted in the partial destruction of populations, never has [Europe](#) seen the application of so cold and brutal a plan for the systematic extermination of all those who



belonged to a certain race, as was the plan devised and carried out by [Hitler](#)'s Germany against the [Jewish race](#).

It should be clarified that racist ideology was not something that first appeared in Germany with the rise to power of Hitler (although he took it to its extreme consequences), but had deep roots and solid ideological foundations in certain currents of German [philosophy](#) and historical criticism of the 19th century, from the books of the English-born German author [Chamberlain](#) to [Maar](#)'s pamphlets, from [Stecker](#)'s theories to the racist campaigns of the magazine *Gartenlaube*, which had inspired the idea of the superiority of the German race in the people against the other European races. The [anti-Jewish](#) war until then was tolerated (if not overtly supported) by the governments of Imperial Germany themselves, if only for reasons of expediency, thus allowing racist theories to find the ground prepared.

Before the war even began, there were six concentration camps operated under the jurisdiction of [Heinrich Himmler](#) and guarded by the [SS](#) of the Nazi party (the term SS comes from the [German](#) word *Schutzstaffel* = protection department) and in which about 20,000 opponents of the regime. New camps were created in the two years [1940](#) - [1941](#) and the previous ones were expanded. These camps

were: [Auschwitz](#), [Belzen](#), [Buchenwald](#), [Dachau](#), [Foschenberg](#), [Mauthausen](#), [Nachsweiler](#), [Neuengamme](#), [Ravensbrück](#), [Sachsenhausen](#), [Theresienstadt](#) etc., which left horrible memories. It is estimated that of the approximately 12 million people killed by the countries the Germans invaded, approximately 8 million died in the concentration camps (men, women and children). Organized genocide was carried out by various methods: extermination by intensive labor and malnutrition, shootings, hangings, injections of phenol and other poisonous substances, or mass extermination in gas chambers. There were no gas chambers in all concentration camps. In Buchenwald, for example, prisoners were (among other things) subjected to various experiments as if they were guinea pigs; in Dachau and Ravensbrück experiments and sterilizations were also carried out.

That the final solution of the Jewish question, which fascinated the Hitlerites, was not completed and that the genocidal plans for the [Gypsies](#), Slavs and other races considered by them to be inferior were only carried out to a limited extent, this is only because Hitler's Germany lost the war. From these crimes and the mentality that caused them remained the sad list of murderers, the innumerable testimonies and testimonies and, above all, the extermination camps, where even today the machinery of death is kept intact. The Gypsies ([Roma](#)), in fact, a people without a state organization or even a solid organization, had no way to denounce their own genocide during the Nazi atrocities.

## Controversial allegations [ [Edit](#) | [edit code](#) ]

### The Great Ukrainian Famine (1932 - 1933) [ [Edit](#) | [edit code](#) ]

After the dissolution of the USSR, Ukraine raised the issue of recognition of the Great Ukrainian Famine of 1932 - 1933 as genocide. On November 28, 2006, the Ukrainian parliament, chaired by Viktor Yushchenko, passed a law



(№ 376–V) recognizing the starvation of Ukrainians as a genocide by the USSR against the Ukrainian people, while public denial of it is prohibited. The [Holodomor](#) of 1932 - 1933 (en: Holodomor | ua: Голодомор) has been recognized as a Genocide by 14 states <sup>[8]</sup> while by the EU and UN authorities it is characterized as a tragedy or a crime against humanity without using the term Genocide.

Background: The two years 1932 - 1933 were named by the Soviet Union as "Agrarian Reform". The Communist Party of the Soviet Union, in cooperation with the administration of the Ukrainian SSR, under the pretext of collectivization, ordered to confiscate first all grain products from the fields and warehouses, and then all non-grain products and livestock. The movement of the rural population to the cities was prohibited. The result of the above was the death from starvation of seven to twelve million people during five hundred days. The official Ukrainian side talks about 3.9 million deaths. November 25 was designated as a day of remembrance for the victims of the Great Famine of Ukraine in the years 1932 - 1933.

## Other genocides [ [Edit](#) | [edit code](#) ]

However, in recent years the issue of genocide has been pointed out by other peoples besides the Jews. Genocide, for example, is spoken of by the surviving indigenous people of the American continent, who were massacred by the European settlers in the early years of the formation of the French-British colonies in today's [USA](#) , [Canada](#) (mainly) and [Australia](#) .

## Genocides of Armenians and Greeks [ [Edit](#) | [edit code](#) ]

However, there are also cases that have caused international confrontations. Of particular Greek interest are the complaints of [Armenians](#) and [Greeks](#) who lived in the [Ottoman Empire](#) and claim recognition of the mass massacres against them by the Ottoman government at the end of the 19th and the beginning of the 20th century. Armenians refer to their extermination by the army of the Young Turks at the beginning of the last century ( [1915](#) ) as genocide. The [Greek](#) state has officially recognized both cases as genocide, while the [Turkish state](#) government strongly reacts to the characterization, claiming that these were internal conflicts, with losses on both sides, which were actually due to the attempt to destroy Turkey's territorial integrity. In [2001](#) , however, the French National Assembly passed a resolution recognizing the genocide against the Armenians, prompting diplomatic protests from Turkey (remember that France [has](#) a large minority of Armenians). Also the Parliament of the Netherlands has recognized in a decision the genocides of Armenians, Greeks and Assyrians. <sup>[9]</sup>

## Other complaints [ [Edit](#) | [edit code](#) ]

Moreover, in recent decades, allegations of genocide have been made in various cases of either civil or interstate conflicts in so-called third world countries (e.g. [Rwanda](#) ), as the state formations that emerged post-war, with the end of colonialism, often included peoples with a completely different tribal composition and the rise to power of one or the other tribe entailed fierce conflicts for dominance. Finally, other complaints, such as the Palestinians in the occupied Israeli territories, the [Albanians](#) of [Kosovo](#) , the Kurds of Turkey

or the Chechens of [Russia](#), are rather exaggerated characterizations, since, even if there are massive attacks, the concept of total annihilation of the (civilian) population does not entail.



7, attachment 7  
(is consisted from 24 pages)

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## Genocide



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For other uses, see [Genocide \(disambiguation\)](#).

Part of a [series](#) on

### Genocide



### Issues

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**Genocide** is the intentional destruction of a people<sup>[a]</sup> in whole or in part. In 1948, the [United Nations Genocide Convention](#) defined genocide as any of five "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." These five acts were: killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group, preventing births, and forcibly transferring children out of the group. Victims are targeted because of their real or perceived membership of a group, not randomly.<sup>[a][b]</sup>

The [Political Instability Task Force](#) estimated that 43 genocides occurred between 1956 and 2016, resulting in about 50 million deaths.<sup>[a]</sup> The [UNHCR](#) estimated that a further 50 million had been displaced by such episodes of violence up to 2008.<sup>[a]</sup> Genocide, especially large-scale genocide, is widely considered to signify the epitome of human [evil](#).<sup>[a]</sup> As a label, it is contentious because it is moralizing,<sup>[a]</sup> and has been used as a type of moral category since the late 1990s.<sup>[a]</sup>

## Etymology



[Raphael Lemkin](#) coined the term *genocide* in 1944. His analysis of [atrocities inflicted on the Poles](#) were adopted by the [UN Genocide Convention](#) as its criteria for determining "[genocidal intent](#)"



Aftermath of the [1941 Odessa massacre](#), in which Jewish deportees were killed outside Brizula (now [Podilsk](#)) during [the Holocaust](#)



Members of the [Sonderkommando](#) burn corpses of Jews in pits at [Auschwitz II-Birkenau](#), an [extermination camp](#).



Polish lawyer [Raphael Lemkin](#) coined the term *genocide* in his 1944 book *Axis Rule in Occupied Europe*,<sup>[10]</sup> combining the Greek word *γένος* (*genos*, "race, people") with the Latin suffix *-caedo* ("act of killing").<sup>[11]</sup> In *Axis rule*, Lemkin documents his research of [Nazi occupation policies in Europe](#), and records a case study of the [occupation of Poland](#). Lemkin asserted that Nazi atrocities against Poles consisted of five policies which exposed their "[intent to destroy](#)" the Polish nation. These included i) mass-killings of Poles ii) inflicting "serious bodily or mental harm to members of the group" iii) planned deterioration of living conditions "calculated to bring about their destruction" iv) implementation of various "measures intended to prevent births within the group" such as promotion of [abortions](#), burdening pregnant women, etc. v) forced transfer of Polish children to German families. Each of these five markers, according to Lemkin, revealed the Nazi plan to eliminate the Polish identity with certainty. These five criteria were adopted by the [1948 Genocide Convention](#) as its proof for the concept of [genocidal intent](#).<sup>[12]</sup>

Before the term was coined, there had been various ways of describing such events. Some languages already had words for such killings, including German (*Völkermord*, lit. 'murder of a people') and Polish (*ludobójstwo*, lit. 'killing of a people or nation').<sup>[13][14][15]</sup> In 1941, when describing the "methodical, merciless butchery" of "scores of thousands" of Russians by Nazi troops during the [German invasion of the Soviet Union](#), [Winston Churchill](#) spoke of "a crime without a name".<sup>[16]</sup> Lemkin's 1944 book *Axis Rule in Occupied Europe* describes the implementation of [Nazi policies in occupied Europe](#) and mentions earlier [mass killings](#).<sup>[17]</sup> After reading about the 1921 [assassination of Talat Pasha](#), the main architect of the [Armenian genocide](#), by Armenian [Soghomon Tehlirian](#), Lemkin asked his professor why there was no law under which Talat could be charged.<sup>[18][19]</sup> He later explained that "as a lawyer, I thought that a crime should not be punished by the victims, but should be punished by a court."<sup>[20]</sup>

Lemkin defined genocide as follows:

New conceptions require new terms. By "genocide" we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing), thus corresponding in its formation to such words as tyrannicide, homicide, infanticide, etc. Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.<sup>[21]</sup>

The preamble to the 1948 [Genocide Convention](#) (CPPCG) notes that instances of genocide have taken place throughout history;<sup>[22]</sup> it was not until Lemkin coined the term and the prosecution of perpetrators of [the Holocaust](#) at the [Nuremberg Trials](#) that the United Nations defined the crime of genocide under [international law](#) in the Genocide Convention.<sup>[23]</sup> It was several years before the term was widely adopted by



the international community. When the Nuremberg trials revealed the inadequacy of phrases like "Germanization", "crimes against humanity" and "mass murder", scholars of international law reached agreement that Lemkin's work provided a conceptual framework for Nazi crimes. A 1946 headline in *The New York Times* announced that "Genocide Is the New Name for the Crime Fastened on the Nazi Leaders";<sup>100</sup> the word was used in indictments at the Nuremberg trials, held from 1945, but solely as a descriptive term, not yet as a formal legal term.<sup>101</sup> The so-called Polish Genocide Trials of [Arthur Greiser](#) and [Amon Leopold Goth](#) in 1946 were the first trials in which judgments included the term.<sup>102</sup>

## Prohibited acts

The Genocide Convention establishes five prohibited acts that, when committed with the requisite intent, amount to genocide. Although massacre-style killings are the most commonly identified and punished as genocide, the range of violence that is contemplated by the law is significantly broader.<sup>103</sup>

### Killing members of the group

While mass killing is not necessary for genocide to have been committed, it has been present in almost [all recognized genocides](#). A near-uniform pattern has emerged throughout history in which men and adolescent boys are singled out for murder in the early stages,<sup>104</sup> such as in the [genocide of the Yazidis by Daesh](#),<sup>105</sup> the [Ottoman Turks' attack on the Armenians](#),<sup>106</sup> and the [Burmese security forces' attacks on the Rohingya](#).<sup>107</sup> Men and boys are typically subject to "fast" killings, such as by gunshot.<sup>108</sup> Women and girls are more likely to die slower deaths by slashing, burning, or as a result of sexual violence.<sup>109</sup> The jurisprudence of the [International Criminal Tribunal for Rwanda](#) (ICTR), among others, shows that both the initial executions and those that quickly follow other acts of extreme violence, such as [rape](#) and [torture](#), are recognized as falling under the first prohibited act.<sup>110</sup>

A less settled discussion is whether deaths that are further removed from the initial acts of violence can be addressed under this provision of the Genocide Convention. Legal scholars have posited, for example, that deaths resulting from other genocidal acts including causing serious bodily or mental harm or the successful deliberate infliction of conditions of life calculated to bring about physical destruction should be considered genocidal killings.<sup>111</sup>

### Causing serious bodily or mental harm to members of the group *Article II(b)*

This second prohibited act can encompass a wide range of non-fatal genocidal acts.<sup>112</sup> The ICTR and [International Criminal Tribunal for the former Yugoslavia](#) (ICTY) have held that rape and sexual violence may constitute the second prohibited act of genocide by causing both physical and mental harm. In its landmark [Akayesu](#) decision, the ICTR held that rapes and sexual violence resulted in "physical and psychological destruction".<sup>113</sup> Sexual violence is a hallmark of genocidal violence, with most genocidal campaigns explicitly or implicitly sanctioning it.<sup>114</sup> It is estimated that 250,000 to 500,000 women were raped in the three months of the Rwandan genocide, many of whom were subjected to multiple rapes or [gang rape](#).<sup>115</sup> In Darfur, a systemic campaign of rape and often sexual mutilation was carried out<sup>116</sup> and in Burma public mass rapes and gang rapes were inflicted on the Rohingya by



Burmese security forces.<sup>101</sup> [Sexual slavery](#) was documented in the Armenian genocide by the Ottoman Turks and Daesh's genocide of the Yazidi.<sup>102</sup>

Torture and other cruel, [inhuman, or degrading treatment](#) or punishment, when committed with the requisite intent, are also genocide by causing serious bodily or mental harm to members of the group. The ICTY found that both experiencing a failed execution and watching the murder of one's family members may constitute torture.<sup>103</sup> The [Syrian Commission of Inquiry \(COI\)](#) also found that enslavement, removal of one's children into indoctrination or sexual slavery, and acts of physical and sexual violence rise to the level of torture, as well. While it was subject to some debate, the ICTY and, later, the Syrian COI held that under some circumstances deportation and forcible transfer may also cause serious bodily or mental harm.<sup>104</sup>

### **Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction**



The U.S. federal government promoted [bison](#) hunting for various reasons, including as a way of destroying the means of survival of [Plains Indians](#) to pressure them to remain on [Indian reservations](#).<sup>105</sup>

The third prohibited act is distinguished from the genocidal act of killing because the deaths are not immediate (or may not even come to pass), but rather create circumstances that do not support prolonged life.<sup>106</sup> Due to the longer period of time before the actual destruction would be achieved, the ICTR held that courts must consider the duration of time the conditions are imposed as an element of the act.<sup>107</sup> In the 19th century the United States federal government supported the [extermination of bison](#), which [Native Americans](#) in the [Great Plains](#) relied on as a source of food. This was done for various reasons, primarily to pressure them onto reservations during times of conflict. Some genocide experts describe this as an example of genocide that involves removing the means of survival.<sup>108</sup>

The ICTR provided guidance into what constitutes a violation of the third act. In *Akayesu*, it identified "subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement"<sup>109</sup> as rising to genocide. In *Kayishema and Ruzindana*, it extended the list to include: "lack of proper housing, clothing, hygiene and medical care or excessive work or physical exertion" among the conditions.<sup>110</sup> It further noted that, in addition to deprivation of necessary resources, rape could also fit within this prohibited act.<sup>111</sup>

## Imposing measures intended to prevent births within the group

See also: [Compulsory sterilization](#)

The fourth prohibited act is aimed at preventing the protected group from regenerating through [reproduction](#). It encompasses acts affecting reproduction and intimate relationships, such as [involuntary sterilization](#), [forced abortion](#), the prohibition of marriage, and long-term separation of men and women intended to prevent procreation.<sup>[10]</sup> Rape has been found to violate the fourth prohibited act on two bases: where the rape was committed with the intent to impregnate a woman and thereby force her to carry a child of another group (in societies where group identity is determined by [patrilineal](#) identity) and where the person raped subsequently refuses to procreate as a result of the trauma.<sup>[11]</sup> Accordingly, it can take into account both physical and mental measures imposed by the perpetrators.

## Forcibly transferring children of the group to another group

See also: [Forced assimilation](#)

The final prohibited act is the only prohibited act that does not lead to physical or biological destruction, but rather to destruction of the group as a cultural and social unit.<sup>[12]</sup> It occurs when children of the protected group are transferred to the perpetrator group. Boys are typically taken into the group by changing their names to those common of the perpetrator group, converting their religion, and using them for labor or as soldiers.<sup>[13]</sup> Girls who are transferred are not generally converted to the perpetrator group, but instead treated as [chattel](#), as played out in both the Yazidi and Armenian genocides.<sup>[14]</sup>

## Crime

### Pre-criminalization view

Before genocide was made a crime against national law, it was considered a sovereign right.<sup>[15]</sup> When Lemkin asked about a way to punish the perpetrators of the Armenian genocide, a law professor told him: "Consider the case of a farmer who owns a flock of chickens. He kills them and this is his business. If you interfere, you are trespassing."<sup>[16]</sup> As late as 1959, many world leaders still "believed states had a right to commit genocide against people within their borders", according to political scientist [Douglas Irvin-Erickson](#).<sup>[17]</sup>

### International law



Human skulls at the [Murambi Genocide Memorial Centre](#) in [Rwanda](#)





[Armenian genocide](#) victims

After the Holocaust, which had been perpetrated by [Nazi Germany](#) prior to and during [World War II](#), Lemkin successfully campaigned for the universal acceptance of international laws defining and forbidding genocides. In 1946, the first session of the [United Nations General Assembly](#) adopted a [resolution](#) that affirmed genocide was a crime under international law and enumerated examples of such events (but did not provide a full legal definition of the crime). In 1948, the UN General Assembly adopted the [Convention on the Prevention and Punishment of the Crime of Genocide](#) (CPPCG) which defined the crime of genocide for the first time.<sup>[6]</sup>

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and the spirit and aims of the United Nations. Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

—*UN Resolution 96(1), 11 December 1946*

The CPPCG was adopted by the UN General Assembly on 9 December 1948<sup>[6]</sup> and came into effect on 12 January 1951 (Resolution 260 (III)). It contains an internationally recognized definition of genocide which has been incorporated into the national criminal legislation of many countries and was also adopted by the [Rome Statute of the International Criminal Court](#), which established the [International Criminal Court](#) (ICC). Article II of the Convention defines genocide as:

... any of the following acts committed with [intent to destroy, in whole or in part](#), a [national](#), [ethnic](#), [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.

[Incitement to genocide](#) is recognized as a separate crime under international law and an [inchoate crime](#) which does not require genocide to have taken place to be prosecutable.<sup>[6]</sup>



The first draft of the convention included political killings; these provisions were removed in a political and diplomatic compromise following objections from many diverse countries, and originally promoted by the [World Jewish Congress](#) and [Raphael Lemkin's](#) conception, with some scholars popularly emphasizing in literature the role of the [Soviet Union](#),<sup>[20]</sup> a permanent [United Nations Security Council](#) member. The Soviets argued that the convention's definition should follow the etymology of the term,<sup>[20]</sup> and [Joseph Stalin](#) in particular may have feared greater international scrutiny of the country's political killings, such as the [Great Purge](#).<sup>[20]</sup> Lemkin, who coined *genocide*, approached the Soviet delegation as the resolution vote came close to reassure the Soviets that there was no conspiracy against them; none in the Soviet-led bloc opposed the resolution, which passed unanimously in December 1946.<sup>[20]</sup> Other nations, including the [United States](#),<sup>[20]</sup> feared that including political groups in the definition would invite international intervention in domestic politics.<sup>[20]</sup>

By 1951, Lemkin was saying that the Soviet Union was the only state that could be indicted for genocide, his concept of genocide, as outlined in *Axis Rule in Occupied Europe*, covering [Stalinist](#) deportations as genocide by default, and differing in many ways from the adopted Genocide Convention. From a 21st-century perspective, it was such a broad coverage that it would include any grossly [human rights](#) violation as genocide, and that many events deemed by Lemkin genocidal did not amount to genocide. As the [Cold War](#) began, this change was the result of Lemkin's turn to [anti-communism](#) in an attempt to convince the United States to ratify the Genocide Convention.<sup>[20]</sup>

## Intent

Under international law, genocide has two mental (*mens rea*) elements: the general mental element and the element of specific intent (*dolus specialis*). The general element refers to whether the prohibited acts were committed with intent, knowledge, recklessness, or negligence. For most serious international crimes, including genocide, the requirement is that the perpetrator act with intent. The Rome Statute defines intent as meaning to engage in the conduct and, in relation to consequences, as meaning to cause that consequence or being "aware that it will occur in the ordinary course of events".<sup>[21]</sup>

The specific intent element defines the purpose of committing the acts: "to destroy in whole or in part, a national, ethnical, racial or religious group, as such". The specific intent is a core factor distinguishing genocide from other international crimes, such as war crimes or crimes against humanity.<sup>[21]</sup>

"Intent to destroy"

Main article: [Genocidal intent](#)

In 2007, the [European Court of Human Rights](#) (ECHR) noted in its judgement on *Jorgic v. Germany* case that, in 1992, the majority of legal scholars took the narrow view that "intent to destroy" in the CPPCG meant the intended physical-biological destruction of the protected group, and that this was still the majority opinion. But the ECHR also noted that a minority took a broader view, and did not consider biological-physical destruction to be necessary, as the intent to destroy a national, racial, religious or ethnic group as a social unit was enough to qualify as genocide.<sup>[22]</sup>



In the same judgement, the ECHR reviewed the judgements of several international and municipal courts. It noted that the [International Criminal Tribunal for the former Yugoslavia](#) and the [International Court of Justice](#) had agreed with the narrow interpretation (that biological-physical destruction was necessary for an act to qualify as genocide). The ECHR also noted that at the time of its judgement, apart from courts in Germany (which had taken a broad view), that there had been few cases of genocide under other Convention states' [municipal laws](#), and that "There are no reported cases in which the courts of these States have defined the type of group destruction the perpetrator must have intended in order to be found guilty of genocide."<sup>101</sup>

In the case of "Onesphore Rwabukombe", the German [Federal Court of Justice](#) adhered to its previous judgement, and did not follow the narrow interpretation of the ICTY and the ICJ.<sup>102</sup>

#### "In whole or in part"

The phrase "in whole or in part" has been subject to much discussion by scholars of international humanitarian law.<sup>103</sup> In the *Ruhashyankiko* report of the United Nations it was once argued that the killing of only a single individual could be genocide if the intent to destroy the wider group was found in the murder,<sup>104</sup> yet official court rulings have since contradicted this. The International Criminal Tribunal for the Former Yugoslavia found in *Prosecutor v. Radislav Krstic – Trial Chamber I – Judgment – IT-98-33 (2001) ICTY8 (2 August 2001)*<sup>105</sup> that Genocide had been committed. In *Prosecutor v. Radislav Krstic – Appeals Chamber – Judgment – IT-98-33 (2004) ICTY 7 (19 April 2004)*<sup>106</sup> paragraphs 8, 9, 10, and 11 addressed the issue of *in part* and found that "the part must be a substantial part of that group. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole." The Appeals Chamber goes into details of other cases and the opinions of respected commentators on the Genocide Convention to explain how they came to this conclusion.

The judges continue in paragraph 12, "The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4 [of the Tribunal's Statute]."<sup>107</sup>

In paragraph 13 the judges raise the issue of the perpetrators' access to the victims: "The historical examples of genocide also suggest that the area of the perpetrators' activity and control, as well as the possible extent of their reach, should be considered. ... The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can—in combination with other factors—inform the analysis."<sup>108</sup>

"A national, ethnic, racial or religious group"



The drafters of the CPPCG chose not to include political or social groups among the protected groups. Instead, they opted to focus on "stable" identities, attributes that are historically understood as being born into and unable or unlikely to change over time. This definition conflicts with modern conceptions of race as a social construct rather than innate fact and the practice of changing religion, etc.<sup>[83]</sup>

International criminal courts have typically applied a mix of objective and subjective markers for determining whether or not a targeted population is a distinct group. Differences in language, physical appearance, religion, and cultural practices are objective criteria that may show that the groups are distinct. However, in circumstances such as the [Rwandan genocide](#), [Hutus](#) and [Tutsis](#) were often physically indistinguishable.<sup>[84]</sup>

In such a situation where a definitive answer based on objective markers is not clear, courts have turned to the subjective standard that "if a victim was perceived by a perpetrator as belonging to a protected group, the victim could be considered by the Chamber as a member of the protected group".<sup>[85]</sup> Stigmatization of the group by the perpetrators through legal measures, such as withholding citizenship, requiring the group to be identified, or isolating them from the whole could show that the perpetrators viewed the victims as a protected group.

## Convention on the Prevention and Punishment of the Crime of Genocide

The convention came into force as international law on 12 January 1951 after the minimum 20 countries became parties. At that time however, only two of the five permanent members of the [UN Security Council](#) were parties to the treaty: France and the [Republic of China](#). The Soviet Union ratified in 1954, the United Kingdom in 1970, the People's Republic of China in 1983 (having replaced the Taiwan-based Republic of China on the UNSC in 1971), and the United States in 1988.<sup>[86]</sup>

[William Schabas](#) has suggested that a permanent body as recommended by the [Whitaker Report](#) to monitor the implementation of the Genocide Convention, and require states to issue reports on their compliance with the convention (such as were incorporated into the United Nations [Optional Protocol to the Convention against Torture](#)), would make the convention more effective.<sup>[87]</sup>

## UN Security Council Resolution 1674

[UN Security Council Resolution 1674](#), adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 [World Summit Outcome Document](#) regarding the responsibility to protect populations from genocide, war crimes, [ethnic cleansing](#) and crimes against humanity".<sup>[88]</sup> The [resolution](#) committed the council to action to protect civilians in armed conflict.<sup>[89]</sup>

In 2008 the UN Security Council adopted [resolution 1820](#), which noted that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide".<sup>[90]</sup>

## Municipal law

Main article: [Genocide under municipal laws](#)



Since the Convention came into effect in January 1951 about 80 United Nations member states have passed legislation that incorporates the provisions of CPPCG into their [municipal law](#).<sup>[31]</sup>

## Other definitions of genocide

See also: [Genocide definitions](#)

Writing in 1998, Kurt Jonassohn and Karin Björnson stated that the CPPCG was a legal instrument resulting from a diplomatic compromise. As such the wording of the treaty is not intended to be a definition suitable as a research tool, and although it is used for this purpose, as it has international legal credibility that others lack, other [genocide definitions](#) have also been proposed. They go on to say that none of these alternative definitions have gained widespread support,<sup>[32]</sup> they postulate that the major reason why no generally accepted genocide definition has emerged is because academics have adjusted their focus to emphasise different periods and have found it expedient to use slightly different definitions. For example, Frank Chalk and Kurt Jonassohn studied all human history, while [Leo Kuper](#) and [Rudolph Rummel](#) concentrated on the 20th century, and [Helen Fein](#), [Barbara Harff](#), and [Ted Gurr](#) looked at post-World War II events.<sup>[33]</sup>

[Yehuda Bauer](#), has argued that the present definition is problematic, contending that many of what are usually called genocides were not racially motivated. Bauer gave the [Rwandan Genocide](#), where, Bauer argued, both the perpetrators and victims were of the same ethnicity, as an example. He argued that, because of this discrepancy, "clearly, the existing definition of genocide is inadequate and needs to be altered."<sup>[34]</sup>

### Political and social groups

The exclusion of social and political groups as targets of genocide in the CPPCG legal definition has been criticized by some historians and sociologists, for example, M. Hassan Kakar in his book *The Soviet Invasion and the Afghan Response, 1979–1982*<sup>[35]</sup> argues that the international definition of genocide is too restricted,<sup>[36]</sup> and that it should include political groups or any group so defined by the perpetrator and quotes Chalk and Jonassohn: "Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator."<sup>[37]</sup> In turn some states such as [Ethiopia](#),<sup>[38]</sup> [France](#),<sup>[39]</sup> and [Spain](#)<sup>[40]</sup> include political groups as legitimate genocide victims in their anti-genocide laws.

Some academics such as [Norman Naimark](#) and Anton Weiss-Wendt argue that the exclusion of political and social groups in the final 1948 version of the [Genocide Convention](#) was a consequence of Soviet lobbying. Though social and political groups were mentioned in initial drafts of the Convention, the [Soviet Union](#) would not agree to become a signatory, unless they were omitted.<sup>[41][42]</sup> The United Nations Office on Genocide Prevention and the Responsibility to Protect states that the definition of genocide reached in the Convention was the "result of a negotiating process and reflects the compromise reached among United Nations Member States."<sup>[43]</sup>

Harff and Gurr defined genocide as "the promotion and execution of policies by a state or its agents which result in the deaths of a substantial portion of a group ... [when] the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality".<sup>[44]</sup> Harff and Gurr also differentiate between genocides and [politicides](#) by the characteristics by which



members of a group are identified by the state. In genocides, the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality. In politicides the victim groups are defined primarily in terms of their hierarchical position or political opposition to the regime and dominant groups.<sup>[10]</sup> Daniel D. Polsby and Don B. Kates, Jr. state that "we follow Harff's distinction between genocides and 'pogroms', which she describes as 'short-lived outbursts by mobs, which, although often condoned by authorities, rarely persist'. If the violence persists for long enough, however, Harff argues, the distinction between condonation and complicity collapses."<sup>[11]</sup>

According to Rummel, genocide has three different meanings. The ordinary meaning is murder by the government of people due to their national, ethnic, racial, or religious group membership. The legal meaning of genocide refers to the international treaty, the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG). This also includes non-killings that in the end eliminate the group, such as preventing births or forcibly transferring children out of the group to another group.

Highlighting the potential for state and non-state actors to commit genocide in the 21st century, for example, in failed states or as non-state actors acquiring weapons of mass destruction, Adrian Gallagher defined genocide as "When a source of collective power (usually a state) intentionally uses its power base to implement a process of destruction in order to destroy a group (as defined by the perpetrator), in whole or in substantial part, dependent upon relative group size".<sup>[12]</sup> The definition upholds the centrality of intent, the multidimensional understanding of destroying, broadens the definition of group identity beyond that of the 1948 definition yet argues that a substantial part of a group has to be destroyed before it can be classified as genocide.

Other proposed definitions of genocide include social groups defined by gender, [sexual orientation](#),<sup>[13]</sup> or [gender identity](#).<sup>[14]</sup>

## Democide

[Democide](#), a term devised by American political scientist [Rudolph Rummel](#), describes "the intentional killing of an unarmed or disarmed person by [government agents](#) acting in their [authoritative](#) capacity and pursuant to government policy or high command."<sup>[15]</sup> This definition covers any [murder](#) of any number of persons by any government,<sup>[16]</sup> including government mandated [forced labor](#), [concentration camps](#), [extrajudicial](#) summary killings, civil wars, and mass deaths due to government neglect such as government induced famines like [Holodomor](#).<sup>[17]</sup> Rummel estimates that in the 20th century, democide resulted in over 262 million deaths.<sup>[18]</sup>

Holocaust historian [Yehuda Bauer](#) agreed with Rummel that democide was a more appropriate term in more cases to describe mass atrocities than genocide due to the more inclusive definition of democide versus genocide.<sup>[19]</sup>

## Transgender genocide

Main article: [Transgender genocide](#)

In 2013 some international trans activists introduced the term 'transcide' to describe the elevated level of killings of trans people globally. A coalition of NGOs from South America and Europe started the "Stop [Trans Genocide](#)" campaign.<sup>[20]</sup> The term "transcide" follows an earlier term, [gendercide](#).<sup>[21]</sup> Legal scholars have argued that the definition of genocide should be expanded to cover transgender people, because



they are victims of institutional discrimination, persecution, and violence.<sup>[104][105][106]</sup> Brian Kritz argued that existing law should be extended to protect transgender people.<sup>[107]</sup> Similar arguments have been made regarding extending the legal definition of "[crimes against humanity](#)."<sup>[108][109]</sup> Aside from legal studies, [transgender genocide](#) has been examined by scholars of [queer studies](#), hate studies, and other fields.<sup>[110]</sup>

## International prosecution

### By *ad hoc* tribunals



[Nuon Chea](#), the Khmer Rouge's chief ideologist, before the [Cambodian Genocide Tribunal](#) on 5 December 2011

All signatories to the CPPCG are required to prevent and punish acts of genocide, both in peace and wartime, though some barriers make this enforcement difficult. In particular, some of the signatories—namely, [Bahrain](#), [Bangladesh](#), [India](#), [Malaysia](#), the [Philippines](#), [Singapore](#), the [United States](#), [Vietnam](#), [Yemen](#), and [former Yugoslavia](#)—signed with the proviso that no claim of genocide could be brought against them at the [International Court of Justice](#) without their consent.<sup>[111]</sup> Despite official protests from other signatories (notably [Cyprus](#) and [Norway](#)) on the ethics and legal standing of these reservations, the [immunity from prosecution](#) they grant has been invoked from time to time, as when the United States refused to allow a charge of genocide brought against it by former Yugoslavia following the 1999 [Kosovo War](#).<sup>[112]</sup>

It is commonly accepted that, at least since [World War II](#), genocide has been illegal under [customary international law](#) as a [peremptory norm](#), as well as under [conventional international law](#). Acts of genocide are generally difficult to establish for prosecution because a chain of accountability must be established. International criminal courts and tribunals function primarily because the states involved are incapable or unwilling to prosecute crimes of this magnitude themselves.<sup>[113][114][115]</sup>

**Nuremberg Tribunal (1945–1946)**

Main article: [Nuremberg trials](#)



The Nazi leaders at the [Palace of Justice, Nuremberg](#)

The Nazi leaders who were prosecuted shortly after World War II for taking part in the Holocaust, and other mass murders, were charged under existing [international laws](#), such as [crimes against humanity](#), as the crime of 'genocide' was not formally defined until the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG). Nevertheless, the recently coined term<sup>100</sup> appeared in the [indictment of the Nazi leaders](#), Count 3, which stated that those charged had "conducted deliberate and systematic genocide—namely, the extermination of racial and national groups—against the civilian populations of certain occupied territories in order to destroy particular races and classes of people, and national, racial or religious groups, particularly Jews, Poles, Gypsies and others."<sup>101</sup>

[International Criminal Tribunal for the Former Yugoslavia \(1993–2017\)](#)

See also: [Bosnian genocide](#) and [List of Bosnian genocide prosecutions](#)



The cemetery at the [Srebrenica-Potočari Memorial and Cemetery to Genocide Victims](#)

The term *Bosnian genocide* is used to refer either to [the killings](#) committed by Serb forces in [Srebrenica](#) in 1995,<sup>102</sup> or to ethnic cleansing that took place elsewhere during the 1992–1995 [Bosnian War](#).<sup>103</sup>

In 2001, the [International Criminal Tribunal for the Former Yugoslavia](#) (ICTY) judged that the 1995 Srebrenica massacre was an act of genocide.<sup>104</sup> On 26 February 2007, the [International Court of Justice](#) (ICJ), in the [Bosnian Genocide Case](#) upheld



the ICTY's earlier finding that the massacre in Srebrenica and Zepa constituted genocide, but found that the Serbian government had not participated in a wider genocide on the territory of Bosnia and Herzegovina during the war, as the Bosnian government had claimed.<sup>[10]</sup>

On 12 July 2007, [European Court of Human Rights](#) when dismissing the appeal by [Nikola Jorgić](#) against his conviction for genocide by a German court (*Jorgić v. Germany*) noted that the German courts wider interpretation of genocide has since been rejected by international courts considering similar cases.<sup>[11][12]</sup> The ECHR also noted that in the 21st century "Amongst scholars, the majority have taken the view that [ethnic cleansing](#), in the way in which it was carried out by the Serb forces in Bosnia and Herzegovina in order to expel Muslims and Croats from their homes, did not constitute genocide. However, there are also a considerable number of scholars who have suggested that these acts did amount to genocide, and the ICTY has found in the Momčilo Krajisnik case that the actus reus of genocide was met in Prijedor "With regard to the charge of genocide, the Chamber found that in spite of evidence of acts perpetrated in the municipalities which constituted the actus reus of genocide".<sup>[13]</sup>

About 30 people have been indicted for participating in genocide or complicity in genocide during the early 1990s in [Bosnia](#). To date, after several [plea bargains](#) and some convictions that were successfully challenged on appeal two men, [Vujadin Popović](#) and [Ljubiša Beara](#), have been found guilty of committing genocide, [Zdravko Tolimir](#) has been found guilty of committing genocide and conspiracy to commit genocide, and two others, [Radislav Krstić](#) and Drago Nikolić, have been found guilty of aiding and abetting genocide. Three others have been found guilty of participating in genocides in Bosnia by German courts, one of whom Nikola Jorgić lost an appeal against his conviction in the [European Court of Human Rights](#). A further eight men, former members of the Bosnian Serb security forces were found guilty of genocide by the [State Court of Bosnia and Herzegovina](#) (See [List of Bosnian genocide prosecutions](#)).

[Slobodan Milošević](#), as the former President of Serbia and of Yugoslavia, was the most senior political figure to stand trial at the ICTY. He died on 11 March 2006 during his trial where he was accused of genocide or complicity in genocide in territories within Bosnia and Herzegovina, so no verdict was returned. In 1995, the ICTY issued a warrant for the arrest of Bosnian Serbs [Radovan Karadžić](#) and [Ratko Mladić](#) on several charges including genocide. On 21 July 2008, Karadžić was arrested in Belgrade, and later tried in The Hague accused of genocide among other crimes.<sup>[14]</sup> On 24 March 2016, Karadžić was found guilty of genocide in Srebrenica, war crimes and crimes against humanity, 10 of the 11 charges in total, and sentenced to 40 years' imprisonment.<sup>[15][16]</sup> Mladić was arrested on 26 May 2011 in Lazarevo, Serbia,<sup>[17]</sup> and was [tried in The Hague](#). The verdict, delivered on 22 November 2017 found Mladić guilty of 10 of the 11 charges, including genocide and he was sentenced to life imprisonment.<sup>[18]</sup>

International Criminal Tribunal for Rwanda (1994–present)

See also: [Rwandan genocide](#)



Photographs of Rwandan genocide victims displayed at the [Genocide Memorial Center in Kigali](#)

The [International Criminal Tribunal for Rwanda](#) (ICTR) is a court under the auspices of the United Nations for the prosecution of offenses committed in [Rwanda](#) during the [genocide which occurred there](#) during April 1994, commencing on 6 April. The ICTR was created on 8 November 1994 by the Security Council of the United Nations in order to judge those people responsible for the acts of genocide and other serious violations of the international law performed in the territory of Rwanda, or by Rwandan citizens in nearby states, between 1 January and 31 December 1994.

So far, the ICTR has finished nineteen trials and convicted twenty-seven accused persons. On 14 December 2009, two more men were accused and convicted for their crimes. Another twenty-five persons are still on trial. Twenty-one are awaiting trial in detention, two more added on 14 December 2009. Ten are still at large.<sup>[10]</sup> The first trial, of [Jean-Paul Akayesu](#), began in 1997. Akayesu was the first person ever to be convicted of the crime of genocide. In October 1998, Akayesu was sentenced to life imprisonment. [Jean Kambanda](#), interim Prime Minister, pleaded guilty.

Trials for deeds committed during the Rwandan genocide have also occurred in national courts, including [Désiré Munyaneza](#), who in 2009 became the first man to be arrested and convicted in Canada on charges of war crimes and crimes against humanity,<sup>[11]</sup> and [Yvonne Ntacyobatabara Basebya](#), who in 2013 became the first Dutch citizen to be convicted for incitement to genocide.<sup>[12]</sup>

Extraordinary Chambers in the Courts of Cambodia (from 2003)

Main articles: [Khmer Rouge Tribunal](#) and [Cambodian genocide](#)





Rooms of the [Tuol Sleng Genocide Museum](#) contain thousands of photos taken by the Khmer Rouge of their victims.



Skulls in the [Choeung Ek](#)

The [Khmer Rouge](#), led by [Pol Pot](#), [Kang Kek Iew](#), [Ta Mok](#) and other leaders, organized the [mass killing](#) of ideologically suspect groups. The total number of victims is estimated at 1.7 million [Cambodians](#) between 1975 and 1979, including deaths from slave labour.<sup>[128]</sup>

On 6 June 2003 the Cambodian government and the United Nations reached an agreement to set up the [Extraordinary Chambers in the Courts of Cambodia](#) (ECCC) which would focus exclusively on crimes committed by the most senior [Khmer Rouge](#) officials during the period of Khmer Rouge rule of 1975–1979.<sup>[129]</sup> The judges were sworn in early July 2006.<sup>[130]</sup>

The genocide charges related to killings of Cambodia's [Vietnamese](#) and [Cham](#) minorities, tens of thousand of whom are estimated to have been killed<sup>[131]</sup>

The investigating judges were presented with the names of four suspects charged with genocide on 18 July 2007.<sup>[132]</sup>

- [Nuon Chea](#), a former prime minister, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial started on 27 June 2011<sup>[104][105]</sup> and ended on 7 August 2014, with a life sentence imposed for crimes against humanity.<sup>[106]</sup>
- [Khieu Samphan](#), a former head of state, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial began on 27 June 2011<sup>[104][105]</sup> and also ended on 7 August 2014, with a life sentence imposed for crimes against humanity.<sup>[106]</sup>
- [Ieng Sary](#), a former foreign minister, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial started on 27 June 2011, and ended with his death on 14 March 2013. He was never convicted.<sup>[104][105]</sup>
- [Ieng Thirith](#), a former minister for social affairs and wife of Ieng Sary, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. Proceedings against her were suspended pending a health evaluation.<sup>[104][105]</sup> In September 2012, she was released from prison due to advanced [Alzheimer's disease](#); she died on 22 August 2015 at the age of 83 from complications of the disease.<sup>[106]</sup>

### By the International Criminal Court

Since 2002, the International Criminal Court can exercise its jurisdiction if national courts are unwilling or unable to investigate or prosecute genocide, thus being a "court of last resort," leaving the primary responsibility to exercise jurisdiction over alleged criminals to individual states. Due to the [United States concerns over the ICC](#), the United States prefers to continue to use specially convened international tribunals for such investigations and potential prosecutions.<sup>[104]</sup>

**Darfur, Sudan**

*Main article:* [War in Darfur](#)



A mother with her sick baby at Abu Shouk IDP camp in [North Darfur](#)



There has been much debate over categorizing the situation in Darfur as genocide.<sup>[180]</sup> The ongoing conflict in [Darfur](#), Sudan, which started in 2003, was declared a "genocide" by [United States Secretary of State Colin Powell](#) on 9 September 2004 in testimony before the [Senate Foreign Relations Committee](#).<sup>[181]</sup> Since that time however, no other permanent member of the UN Security Council has done so. In fact, in January 2005, an International Commission of Inquiry on Darfur, authorized by [UN Security Council Resolution 1564](#) of 2004, issued a report to the Secretary-General stating that "the Government of Sudan has not pursued a policy of genocide."<sup>[182]</sup> Nevertheless, the Commission cautioned that "The conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide."<sup>[183]</sup>

In March 2005, the Security Council formally referred the situation in Darfur to the Prosecutor of the International Criminal Court, taking into account the Commission report but without mentioning any specific crimes.<sup>[184]</sup> Two permanent members of the Security Council, the United States and [China](#), abstained from the vote on the referral resolution.<sup>[185]</sup> As of his fourth report to the Security Council, the Prosecutor has found "reasonable grounds to believe that the individuals identified [in the [UN Security Council Resolution 1593](#)] have committed crimes against humanity and war crimes," but did not find sufficient evidence to prosecute for genocide.<sup>[186]</sup>

In April 2007, the Judges of the ICC issued arrest warrants against the former Minister of State for the Interior, [Ahmad Harun](#), and a Militia [Janjaweed](#) leader, [Ali Kushayb](#), for crimes against humanity and war crimes.<sup>[187]</sup>

On 14 July 2008, prosecutors at the [International Criminal Court](#) (ICC), filed ten charges of [war crimes](#) against Sudan's President [Omar al-Bashir](#): three counts of genocide, five of [crimes against humanity](#) and two of murder. The ICC's prosecutors claimed that al-Bashir "masterminded and implemented a plan to destroy in substantial part" three tribal groups in Darfur because of their ethnicity.

On 4 March 2009, the ICC issued a warrant of arrest for Omar Al Bashir, President of Sudan as the ICC Pre-Trial Chamber I concluded that his position as head of state does not grant him immunity against prosecution before the ICC. The warrant was for war crimes and crimes against humanity. It did not include the crime of genocide because the majority of the Chamber did not find that the prosecutors had provided enough evidence to include such a charge.<sup>[188]</sup> Later the decision was changed by the Appeals Panel and after issuing the second decision, charges against Omar al-Bashir include three counts of genocide.<sup>[189]</sup>

## Examples

*Main article:* [Genocides in history](#)

*For a more comprehensive list, see* [List of genocides](#).





Naked [Soviet POWs](#) held by the Nazis in [Mauthausen concentration camp](#). Political scientist [Adam Jones](#) wrote: "[T]he murder of at least 3.3 million Soviet POWs is one of the least-known of modern genocides; there is still no full-length book on the subject in English."<sup>[131]</sup>

The concept of genocide can be applied to [historical](#) events. The preamble of the [CPPCG](#) states that "at all periods of history genocide has inflicted great losses on humanity." [Revisionist attempts](#) to challenge or affirm claims of genocide are illegal in some countries. Several European countries ban the [denial of the Holocaust](#) and the [denial of the Armenian genocide](#), while in Turkey referring to the [Armenian genocide](#), [Greek genocide](#), and [Sayfo](#), and to the period of [mass starvation](#) during the [Great Famine of Mount Lebanon](#) affecting [Maronites](#), as genocides may be prosecuted under [Article 301](#).<sup>[132]</sup>

Historian [William Rubinstein](#) argues that the origin of 20th-century genocides can be traced back to the collapse of the elite structure and normal modes of government in parts of Europe following World War I, commenting:

The 'Age of Totalitarianism' included nearly all of the infamous examples of genocide in modern history, headed by the Jewish Holocaust, but also comprising the mass murders and purges of the Communist world, other mass killings carried out by Nazi Germany and its allies, and also the Armenian genocide of 1915. All these slaughters, it is argued here, had a common origin, the collapse of the elite structure and normal modes of government of much of central, eastern and southern Europe as a result of the First World War, without which surely neither Communism nor Fascism would have existed except in the minds of unknown agitators and crackpots.<sup>[133]</sup>

According to Esther Brito, the way in which states commit genocide has evolved in the 21st century and genocidal campaigns have attempted to circumvent international systems designed to prevent, mitigate, and prosecute genocide by adjusting the duration, intensity, and methodology of the genocide. Brito states that modern genocides often happen on a much longer time scale than traditional ones - taking years or decades - and that instead of traditional methods of beatings and executions less directly fatal tactics are used but with the same effect. Brito described the contemporary plights of the [Rohingya](#) and [Uyghurs](#) as examples of this newer form of genocide.<sup>[134]</sup> The abuses against [West Papuans](#) in Indonesia have also been described as a slow-motion [genocide](#).<sup>[135]</sup>



## Stages, risk factors, and prevention

Main articles: [Ten stages of genocide](#), [Risk factors for genocide](#), and [Genocide prevention](#)

Study of the risk factors and prevention of genocide was underway before the 1982 [International Conference on the Holocaust and Genocide](#) during which multiple papers on the subject were presented.<sup>[98]</sup> In 1996 [Gregory Stanton](#), the president of [Genocide Watch](#), presented a briefing paper called "[The 8 Stages of Genocide](#)" at the [United States Department of State](#).<sup>[100]</sup> In it he suggested that genocide develops in eight stages that are "predictable but not inexorable".<sup>[101][102]</sup>

The Stanton paper was presented to the State Department, shortly after the Rwandan Genocide and much of its analysis are based on why that genocide occurred. The preventative measures suggested, given the briefing paper's original target audience, were those that the United States could implement directly or indirectly by using its influence on other governments.<sup>[103][104]</sup> In 2012, he added two additional stages, [discrimination](#) and [persecution](#).<sup>[105]</sup>

Stage	Characteristics	Preventive measures
1. Classification	People are divided into "us and them".	"The main preventive measure at this early stage is to develop universalistic institutions that <a href="#">transcend</a> ... divisions."
2. Symbolization	"When combined with hatred, symbols may be forced upon unwilling members of pariah groups..."	"To combat symbolization, hate symbols can be legally forbidden as can <a href="#">hate speech</a> ".
3. Discrimination	"Law or cultural power excludes groups from full civil rights: segregation or apartheid laws, denial of voting rights".	"Pass and enforce laws prohibiting discrimination. Full citizenship and voting rights for all groups."
4. <a href="#">Dehumanization</a>	"One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects, or diseases."	"Local and international leaders should condemn the use of hate speech and make it culturally unacceptable. Leaders who <a href="#">incite genocide</a> should be banned from international travel and have their foreign finances frozen."
5. Organization	"Genocide is always organized... Special army units or <a href="#">militias</a> are often trained and armed..."	"The U.N. should impose arms embargoes on governments and citizens of countries involved in <a href="#">genocidal massacres</a> , and create commissions to investigate violations"
6. Polarization	"Hate groups broadcast polarizing propaganda..."	"Prevention may mean security protection for moderate leaders or assistance to human rights groups...Coups d'état by extremists should be opposed by international sanctions."
7. Preparation	"Victims are identified and separated out because of their ethnic or religious identity..."	"At this stage, a Genocide Emergency must be declared. ..."
8. Persecution	"Expropriation, forced displacement, ghettos, concentration camps".	"Direct assistance to victim groups, targeted sanctions against persecutors, mobilization of humanitarian assistance or intervention, protection of refugees."

9. Extermination	"It is 'extermination' to the killers because they do not believe their victims to be fully human".	"At this stage, only rapid and overwhelming armed intervention can stop genocide. Real safe areas or refugee escape corridors should be established with heavily armed international protection."
10. <u>Denial</u>	"The perpetrators... deny that they committed any crimes..."	"The response to denial is punishment by an international tribunal or national courts"

Other authors have focused on the structural conditions leading up to genocide and the psychological and social processes that create an evolution toward genocide. [Ervin Staub](#) showed that economic deterioration and political confusion and disorganization were starting points of increasing discrimination and violence in many instances of genocides and mass killing. They lead to scapegoating a group and ideologies that identified that group as an enemy. A history of devaluation of the group that becomes the victim, past violence against the group that becomes the perpetrator leading to psychological wounds, [authoritarian](#) cultures and political systems, and the passivity of internal and external witnesses (bystanders) all contribute to the probability that the violence develops into genocide.<sup>[10]</sup> Intense conflict between groups that is unresolved, becomes intractable and violent can also lead to genocide.<sup>[10]</sup> In 2006, [Dirk Moses](#) criticised genocide studies due to its "rather poor record of ending genocide".<sup>[10]</sup>