WAR CRIMES AND GENOCIDE IN UKRAINE

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Category: Opinions

Prof. Alan Whitehorn, 168.am, 16 April 2022

(Please see a comment at end of the article.)

In recent years, April has often been described as the month of genocidal mourning for Armenians, Jews and Rwandans. Today we read the stark headlines and watch the horrific images of thousands of Ukrainian civilians killed by Russian armed forces in Moscow's war of aggression against Kyiv. So many unarmed ordinary citizens targeted in Bucha, Mariupol and other cities. We agonize as to how and why such malevolent acts can occur in the 21st century.

How does one 'think about the unthinkable?' How does one 'describe the indescribable?' What overarching descriptive terms should we use? What can we do to help those suffering from such mass violence and severe trauma? So many of us feel overwhelmed. We are confronted by analytical and moral challenges in trying to understand war and genocide. Raphael Lemkin, the founder of the concept of genocide, observed that genocide occurred in history before the word was even created in the 1940s. The history of humans has been marked by episodes of great cruelty and mass killings, where groups that were perceived as different were targeted for persecution and slaughter. These violent and brutalizing acts often occurred during war.

While formulated at different times in history, the three legal terms — war crimes, crimes against humanity and genocide — are interrelated and overlap. They constitute key foundational pillars in international law relating to mass atrocity crimes. War was the common feature in the emergence of all three concepts.

The concept of war crimes arose from the Hague conferences in Europe in the late 19th and early 20th centuries. These sessions sought to regulate the conduct of war in modern times, with its increasingly lethal weaponry. The 1907 Hague convention recognized the principle of the "laws of humanity" and the "laws and customs of war" that had been "established among civilized peoples". Amongst the acts prohibited were: the deliberate harming of unarmed civilians, inhumane treatment, torture, compulsory slave labour, and willful killing of civilians.

The concept of 'crimes against humanity' emerged in 1915 during World War I, when the British, French and Tsarist Russian governments issued a formal joint international declaration that warned the 'Young Turk' government about the mass deportations and massacres of Armenians within the Ottoman Empire. Earlier massacres had occurred in the late 19th and early 20th centuries, despite repeated protests from European governments.

The concept of genocide emerged in a book by Raphael Lemkin during World War II, but its roots go back further. Following World War I, Lemkin, a Jewish university student in Poland wondered: Why were there domestic laws for the punishment of the murder of one person, but not international laws against mass murder by political leaders, such as the wartime Turkish military

dictators?

A decade later in the 1930s, Lemkin proposed the precursor twin concepts of "barbarism" and "vandalism". The former described harming and mass killing of civilians, while the latter the destruction of cultural property. During World War II, Lemkin formulated a synthesis of the two concepts with the creation of the new term 'genocide'. This term first appeared in 1944 in a key book on the Nazi deportations and mass murder of Jews during the Holocaust.

In 1948, the United Nations passed the "International Convention on the Prevention and Punishment of the Crime of Genocide" which included the following features: 1) killing members of a *group*; 2) causing serious bodily or mental harm to members of a *group*; 3) deliberately inflicting on a *group* conditions of life calculated to bring about its physical destruction in whole or in part; 4) imposing measures intended to prevent births within a *group*; 5) forcibly transferring children of one *group* to another.

A group focus was central to the definition and four groups were specifically listed for protection: national, ethnic, religious and racial. Not all possible groups were listed by the UN Convention. In this regard, crimes against humanity is a more effective law to cover horrific crimes of mass killing and has generated more convictions. That said, in recent prosecutions at international tribunals and the International Criminal Court, the three terms – war crimes, crimes against humanity and genocide – have tended to cluster together. They are important tools for punishing those guilty of past deeds and potentially deterring future genocidal war.

Psychologists try to understand the group dynamics of genocide in terms of three major roles: perpetrators, victims and bystanders. The perpetrators are the instigators and hostile aggressors. The victims are the vulnerable civilians, who are often a distinct ethnic, religious or racial minority. The bystanders are a large number, perhaps the largest, particularly in the context of a global society. Their role, therefore, is crucial.

The repeated Russian military bombardments on Ukrainian apartment buildings, schools and hospitals, targeting of large numbers of unarmed civilians, young and old alike, along with illegal imprisonment, torture and assassinations, all clearly fit the labels of war crimes and crimes against humanity. These brutal and barbaric acts are combined with Putin's dictatorial declarations denying the democratic right of the Ukrainian nation to full sovereignty and freedom of national self-determination. Russian troops have followed this polemical imperialist and dehumanizing assertion by launching a massive foreign invasion and war of aggression against Ukraine. Notable too are the presence of at least three features of genocide: 1) mass killing; 2) causing serious bodily or mental harm; and 3) inflicting physical destruction on the conditions of life, in whole or in part. Russian war deeds clearly constitute genocidal acts. These overall malevolent features suggest a Russian government's genocidal intent against the Ukrainian people. The Russian state and its armed forces are the main perpetrators. In as much as the Russian public supports these violent acts, they are

complicit and are, in effect, accomplices. The governments and citizens of the outside world are for the most part bystanders. It is incumbent on them to decide how to respond to such crimes against humanity.

The bystanders are faced with several options: They might join in the scapegoating lies and attacks. Or perhaps too easily, they can continue to be largely indifferent. The reasons often posed for not caring include: it does not affect me directly; it is not my family or people; it is too far away, too distant. Or I am too busy and focused on something else. Or even, I am afraid to get involved, as I too might become a vulnerable target.

A third option is to stand up and try to stop the victimization. Somehow, we must resist the 'sin of indifference'. The perpetrators need to be stopped by joint collective action. It is our shared global obligation to urgently protect the victims. The UN-inspired report *Responsibility To Protect* (RTP) laid out this important international conceptual foundation in 2001 and was formally approved by the UN General Assembly in 2005. Even a century ago, caring individuals, aid groups and sympathetic governments assisted orphan children of war and genocide, including my grandmother who had endured over a decade in refugee camps and orphanages. Today, we must reach out to help others who are in desperate need. It is our only hope to survive together on this precious planet.

Alan Whitehorn *is a professor emeritus at the Royal Military College of Canada and was a former JS Woodsworth Chair in Humanities at Simon Fraser University. Amongst his published books are The Armenian Genocide: The Essential Reference Guide and Just Poems: Reflections on the Armenian Genocide.*

Commentary 23/4/2022

Dear Alan,

I condemn all atrocities whether we call them war crimes, crimes against humanity or genocide.

All things are relative except relativity as some wise guy said. Secondly, people look at the world from their own perspective and their own historical experience.

Russia's imperial "cause" (in cahoots with Azerbaijan and Turkey) brought us havoc also in Karabakh with the loss of close to 4000 Armenian victims which is a huge number for a small nation as ours. The war could have not been staged without the knowledge of the "big brother", Russia; yet in the end this "brother" was presented as a "saviour", because of the intervention in the 11th hour. The end result is that we are boxed in and almost no room is left for RoA to maneuver for the preservation of its sovereignty.

As to Ukraine and its big mouth president who lectures left and right including his kin Israel, they were busy arming our erstwhile enemy Azerbaijan before and during the recent war in Karabakh. Allegedly they also supplied white phosphorus which was used during the war. Were they not aware who against would these armaments be used for? Same goes for Israel.

I am old enough to remember the war in Vietnam while I was studying politics at the American University of Beirut. Pictures of bombardments of Serbia, Iraq, Libya are still fresh in my memory. Where was the indignation and condemnation of the "civilized" western world then? I simply refuse to be part of the chorus today. The west is as much a culprit in the prolongation of this war as anyone else.

Dikran Abrahamian MD

Comments



Vazken – 2022-04-24 21:55:41

I am sorry to see Mr. Whitehorn has been suckered by NATO's propaganda which has banned news and perspective from the Russian side. As a result, what he has written is no different from the one-sided narrative we have been subjected to even before the Russian attack. First of all, whether Putin is a dictator is irrelevant. He is acting in the interests of his nation. Thus, he has the support of the Duma and of the Russian public. Since the war, his popularity has soared from 63 percent to 82 percent. Why did Russia attack Ukraine? After waiting for EiGHT years--hoping undemocratic, racist, and hostile Kiev to come to its senses--Putin was forced to attack when a) the Comedian attended a NATO conference in Munich where he asked for nuclear bombs; b) in mid-February, the Comedian amassed a large army for a final push to eliminate the Russian-speaking Ukrainians of Donbas. Since 2014, the Ukrainian forces, including the Nazi battalions and militia have killed 14,000 Donbas civilians and wounded 45,000 while driving 200,000 to Russia; c) The Comedian was planning to attack Russian Crimea. I am sure Mr. Whitehorn knows that in the mid-'50s, Khrushchev took Crimea from Russia and gave it to his fellow Ukrainians. He could get away with the illegal act because he was the all-powerful dictator of the Soviet Union. In retaking Crimea, Russia corrected the injustice done to her nearly 70 years ago. After the 2014 Victoria Nuland-engineered Maidan coup, which toppled the pro-Russia president of Ukraine, Russia maintained a realistic policy toward Ukraine: Moscow didn't insist that Ukraine become pro-Russian. All Kremlin wanted was a neutral Ukraine. Instead, the Comedian made anti-Russian statements and prepared to attack the Russian-speaking people of Donbas. What was their crime? They wanted to use Russian which Kiev had made illegal although it had agreed to recognize these rights per the Minsk II protocol. Unlike enlightened Canadian policy which agreed to Quebec language rights, racist Kiev was eager to stomp all over the Russian-speaking Ukrainians. Russia's critics say Ukraine has the right to join NATO and have nuclear bombs. These same people conveniently forget how the U.S forced the Soviet Union to remove its missiles from Cuba in the early '60s. The missiles were not nuclear but America still wouldn't allow them. Would now America standby if Mexico or Canada became hostile towards America and were armed with nuclear bombs? Why would Russia tolerate a hostile Ukraine armed with nuclear bombs 250 k from Moscow? Two examples of the irresponsible Ukrainian policies that forced Russia to attack the Comedian's oligarchy. Although Ukraine agreed to the Minsk II protocol (signed by Russia, Ukraine, France, and Germany) which guaranteed the autonomy of Donbas, it reneged and resumed its attacks on Donbas. The Comedian has been dishonest from day one: during the Istanbul negotiations, the Comedian's men agreed to most of the Russian demands. As a peace-making gesture, Russia withdrew its forces from Kiev. But as soon as the Russian forces withdrew, the Comedian reneged on what his reps had agreed in Istanbul and bragged that his forces had pushed back the Russians. There's also credible talk that on several occasions when it seemed the Comedian was about the agree to Russian conditions, he made a 180-degree turn and became belligerent. The explanation for the sudden hardline policy was not difficult to guess: the US and Britain twisted his arms because they wanted the war to continue...it is the West's long-term strategy to weaken, if not dismantle Russia: prolonging the war would deplete Russia's military and economic strength in addition to hurting its prestige. It sounds like the West has been using Ukraine as a patsy to hurt Russia. The West wants to fight Russia to the last Ukrainian. Before invading and since Russia has made it clear it has no intention to occupy Ukraine. Why would it want to rule over 45 million people who are hostile to it? And yet, the warmongers of the West frighten their citizens by claiming the attack on Ukraine is Russia's first step in restoring the Soviet Union. Finally, the fact that the Ukraine War is not Russia's fault is underlined by the fact that the West has banned not only Russian RT News but all media outlets which dare take an objective look at the war. Since the airwaves and the newspapers in the West are blanketed by anti-Russian propaganda, I am surprised Keghart published Mr. Whitehorn's redundant article which repeats the falsehoods we have heard/read incessantly since the war started.



Arusyak Karapetyan – 2022-04-24 12:06:12

Thank you for this exceptional article and finally a voice of reason amidst the indifference under the name of "But what about us!" Not everything is about us Armenians and we as Armenians should be the pioneers in advocating against crimes against humanity yet many make up excuses and rationalize why we shouldn't care because of what Ukrainian politicians did when we were the victims of crimes against humanity. There can only be one truth and as long as anyone can rationalize and excuse any barbaric behavior including that of current day Russia then we can be sure that not much has changed since the Ottomans murdered millions of Armenians a century ago!