

GENOCIDE: A MOCK TRIAL IN THE INTERNATIONAL CRIMINAL COURT

Friday 27 september, 10:30 a.m. – 12:00 p.m., Nacre room



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When we think of genocide, the first images that come to mind are those of terror. Although history has recorded them for centuries, the term only appeared legally at the end of the Second World War. But do we really know the meaning given to it by the International Criminal Court, the only jurisdiction ca-

pable of pronouncing the resulting sentences, according to the Rome Statute which came into force in 2002?

To understand how it works, the International Institute for Human Rights and Peace organised a mock trial where the public, made up of students and high school students, played the role of jury members until they gave a final verdict. The context was as follows: during a conflict between the Ordo Republic and the Nyaya Republic, General Draganov was accused of having organised the systemic extermination of an ethnic minority, the Korvans, resulting in more than 150,000 civilian victims. The script examined international criminal justice and the recollection of mass crimes, drawing on articles from the relevant international convention. A chief judge, President of the International Criminal Court (ICC), was the guarantor of the impartiality of the trial. He was accompanied by prosecutors and the defence

MODERATION

International Institute for Human Rights and Peace

SPEAKERS

Asmaa Atif, Educational Mission Officer, Freedom Prize

Florence Hartmann, Journalist and essayist

Maxime Sauv , Senior Fellow at the International Institute for Human Rights and Peace

Fiona Schnell, General Director of the International Institute for Human Rights and Peace

Jean-Michel Guieu, Lecturer in contemporary history of international relations at the University of Paris-Panth on-Sorbonne

lawyer of General Viktor Draganov, former military leader of the Nyara Republic. On the opposite side, Dr Amira Kael, a survivor, acted as a direct witness.

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A jury in the room

In front of the court, General Draganov stood up to plead not guilty. 'The Korvans supported armed rebels. My actions were legitimate and necessary to protect our nation. There was never any intention of extermination,' he said in his defence. But Dr Amira Kael had another version of events. She described, with a slight tremor in her voice, how the soldiers of his army entered the villages to round up the men, women and children, in order to murder them. 'They were not fighters, just civilians. They had no connection with the rebel groups, they were defenceless, unarmed, it was a massacre.'

At this point, a question is asked: can the intention to kill civilians be considered genocide? The answer is no. In fact,

the intention must be part of a much broader desire to destroy a national, ethnic, racial or religious group. General Draganov explained the circumstances of his attacks: 'The Korvans harboured rebels, every operation was designed to neutralise

their threats, but we never deliberately targeted civilians, ever.' Yet, there is evidence that the soldiers had lists of Korvan civilians to eliminate. But for the General, these lists only served to identify hidden rebels. 'There were mistakes, it's unfortunate, but these civilian losses were never our objective.'

The journalist and essayist, Florence Hartmann, who was playing the role of the Prosecutor, intervened: 'According to Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide, you are accused of having organised a systematic campaign of assassination, targeting civilian populations. What is your response to this?' 'These accusations are false,' replied General Draganov, 'I never gave the order for extermination; my goal was to protect the Republic of Nyara.'

After a trial held in three acts, the verdict of the jury was final: General Draganov was found guilty of the crime of genocide, as defined by Article 6 of the Rome Statute, by 83% of the votes. In the room, one of the jurors justified his choice: 'In Act 2, when General Draganov spoke, he described the rebels attacking military forces, saying that these people represented a threat. We might wonder about the notion of a threat, given that some of these people were children, who were killed in the attack. Even the notion of self-defence is not admissible, because we can clearly see that he could have tried to consider another solution other than the response; the defence was not at all proportional.'

In conclusion, Fiona Schnell, Executive Director of the International Institute for Human Rights and Peace, praised the quality of the interpretation and the listening of the jurors, who focused on the details of each word to reach their verdict. 'Thank you for your very pertinent analysis,' she concluded.



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