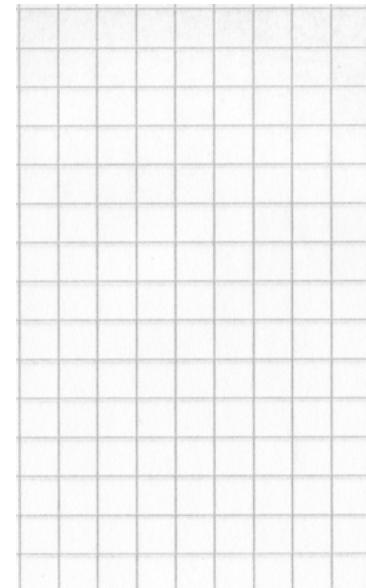


RECOGNITION OF GENOCIDE

The Genocide can be recognized at different levels, by international authorities and individual States alike.

Justice is one of the most effective instruments for re-establishing, as much as possible, an acceptable situation for victims of genocide. In fact, victims who have lost all their rights are not in a position to defend themselves in any way, physically or intellectually. Judicial redress is moral in that victim status is immediately conferred on the person, and the atrocities that were committed are recognized as such. When a genocide is officially recognized by a State or the international community through public statements, adoption of national laws or ratification of international treaties, the crimes perpetrated can no longer be relativized. This often entails identifying a guilty party, which is something victims need.

Judicial restitution can also be material. For example, Holocaust victims may receive financial compensation (France is a prime example). Compensation may also be received for movable and immovable property of which the victims were dispossessed.



Justice is not only an instrument of reparation, but also an instrument of punishment. Through national or international legal authorities, victims see justice meted out to people guilty of atrocities, who were untouchable up to then.

Once a genocide is recognized, criminal justice proceedings are instituted by the establishment of ad hoc tribunals, that is, tribunals created to specifically handle cases related to a particular genocide, such as the International Criminal Tribunals for Rwanda and the former Yugoslavia. These tribunals were established by the UN Security Council to prosecute the people responsible for committing genocide.

When the *Rome Statute* came into force on July 1, 2002, (see the Distinction Among the Different Crimes information sheet), the International Criminal Court (ICC) was created to prosecute persons accused of the crime of genocide and punish those found guilty. Activated in 2002, the ICC has jurisdiction only over crimes committed after that date, and can only prosecute and convict individuals, not States (the latter may be prosecuted later by another court, the International Court of Justice [ICJ]). Not all United Nations member

states have ratified the *Rome Statute*. The non-signatory States, which include the United States and Russia, do not accept the ICC's authority and do not want to submit to it themselves. In principle, the ICC can exercise its competence if the accused individual is a national of a signatory State, if the alleged crime is committed in a signatory State or if the situation has been forwarded to it by the UN Security Council.

In cases where the State does not recognize the ICC's authority, the issue of indictments is highly problematic and can lead to obstruction of justice. The ICC's objective is not only to make political leaders accountable, but also to deter human rights violations and ensure peace. It could easily be said that international justice is the cornerstone of ensuring peace.