

**The Crime of Genocide: Understanding
the Legal Concept Through Current
Threats**
The cases of Ukraine and Armenia



Raphael Lemkin coined the concept of genocide after the Shoah, as there was no existing term that represented the crimes perpetrated by the Nazis. His ideas were also born from the atrocities committed against Armenians during the Ottoman Empire, atrocities that would later be known as the Armenian Genocide, which until today lacks accountability, and proper and broad recognition. Lemkin thought genocide was an identity-based crime by which a group could be destroyed not only physically, but also culturally. The Genocide Convention of 1948 – the first human rights treaty within the UN system – and, later on, the Rome Statute, completely left out Lemkin’s original thoughts.

This lecture refers to the current legal concept of genocide and analyses its elements and special intent requirements in the abovementioned international legal instruments from a historical perspective and Lemkin’s original works. This lecture will also delve on the difficulties and the challenges the current definition of genocide poses in practice. Although this crime is referred as “the crime of crimes,” the legal definition presents challenges that limit accountability and, thus, impact justice processes and genocide prevention. For these purposes, I will analyse two current conflicts that represent a threat of genocide: Ukraine and Armenia.

Objectives: The purpose of this presentation is to raise awareness of the always present risk of genocide in all parts of the world and the difficulties its legal definition presents in determining whether certain acts may amount to the crime of genocide. Generally, there is a misconception that genocides occur in the so-called global south or in underdeveloped countries, however, today we witness the risk of genocide in Europe and the South-Caucasus, and the passing of discriminatory laws in many countries of the world, as well as the presence of hate speech from government authorities.

Speaker:



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Irene Victoria Massimino is a lawyer specialized in international criminal law and human rights. She is a graduate of the Faculty of Legal and Social Sciences of the National University of La Plata, in Argentina; has a Master of Laws from Robert H. McKinney School of Law at Indiana University, in the United States, where she is currently pursuing an SJD and teaching as an adjunct faculty, and holds a Master of Human Rights from the School of Advanced Studies of the University of London, in the United Kingdom. Amongst her work, Ms. Massimino has served as Rapporteur of the High Criminal Court of Buenos Aires Province, Argentina, in international investigative delegations and trial observation missions. She is the Co-founder and Director of Legal Affairs of the Lemkin Institute for Genocide Prevention. Irene Massimino has also taught at national and international universities and institutions.