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INTRODUCTION

This topic in itself is of great importance because it is a very dangerous and bad act given the fact that one of the main human rights is violated; the right to life but also many other rights which are crucial to man in general.

International crime - Genocide is an ugly act with a high level of risk because the purpose for which genocide is committed is to destroy and mistreat a certain group of people.

The crime of genocide is an act committed and committed by people out of human nature and for very low purposes aimed at destroying and mistreating people who belong to a certain group. The goal is very bad, the ways in which the goal of genocide is to be achieved are quite harsh ways with a great risk that then it is achieved that genocide is classified as one of the most serious human crimes committed by man himself, not unintentionally but intentionally, with clear intentions, concrete methods and not at all humane and with a very high level of risk.

In this topic will be discussed about international criminal offenses in general, regarding their notion and what are those specific offenses which are classified as criminal offenses of international character, there will be a more specific discussion about genocide which is the topic of treatment and manner how genocide is exercised, the stages in which genocide passes, the purpose of genocide.

A special part will be treated the main principles of criminal responsibility because it is of great importance in the part of sentencing, what are the main rules on which the sentence is based on the commission of criminal offenses, another part will be the aspect of International Criminal Courts and the action of these courts in the sentencing of perpetrators of criminal offenses and practical cases of genocide in the world, this is also a clear reflection that in some cases a person can commit actions that do not belong to him.

Abstract

Certain subjects in some cases have such behaviors which may harm another subject or some subjects or even more subjects. Depending on the action and behavior of the subject it may reflect in different ways towards others, the degree of risk to his behavior may affect a subject, some people or a larger number of people. What is important is the fact that any action which in itself has elements with which a certain value of another subject is damaged or harmed then that action is an action which is contrary to the values and how such should be done.

Criminal offenses can be divided into certain types starting from the harm of a person, the different forms in which that person can be harmed, but in cases when a certain group of people is harmed, with very dangerous actions, with a very intentional concrete and clearly defined ways only to damage, violate but also to completely destroy that certain group of people, has in itself the elements of a major crime or a major criminal offense of international character and depending on who commits and how is this criminal offense one of the most dangerous international offenses and which is a criminal offense is genocide.

In this topic it will be clearly seen how very important is the part of international criminal offenses, what are the elements that categorize a certain criminal offense at the level of international criminal offenses, then the ways in which international criminal offenses are classified and a large part presenting genocide as an act committed by people with actions that do not belong to man to commit and the stages in which genocide passes which is meant to be a certain act aimed at destruction of a certain group of people.

The other part will be related to the criminal responsibility of the subjects and the main rules on which this criminal responsibility is built.

Abstrakt

Subjektet e caktuara në disa raste kanë sjellje të atilla të cilat mund të dëmtojnë një subjekt tjetër ose disa subjekte ose edhe më shumë subjekte. Varësishtë nga veprimi dhe sjellja e subjektit ajo mund të reflekton në forma të ndryshme ndaj të tjerëve, shkalla e rrezikut të sjellja e tij mund të ndikon tek një subjekt, tek disa persona ose tek një numër më i madhë i personave. Ajo e cila është e rëndësishme është fakti se secili veprim i cili në vete ka elemente me të cilën dëmtohet ose lëndohet një vlerë e caktuar e një subjekti tjetër atëher ai veprim është veprim i cili është në kundërshtim me vlerat dhe se si i tillë duhet të dënohet.

Veprat penale mund të ndahen në disa lloje të caktuara duke filluar nga dëmtimi i një personi, por në rastet kur dëmtohet një grup i caktuar i njerëzve, me veprime mjaftë të rrezikshme, me qëllim mjaftë konkret dhe me menyra qartë të caktuara vetëm që të dëmtohet, në tëresi ai grup i caktuar i njerëzve, në vete ka elementet të një krimi të madhë ose të një veprë të madhe penale me karakter ndërkombëtar dhe varësishtë se kush e ushtron dhe si ushtrohet kjo vepër penale njëra ndër veprat më të rrezikshme ndërkombëtare dhe që është vepër penale është gjenocidi.

Në këtë temë do të shihet qartë se si pjesë shumë e rëndësishme është për veprat penale ndërkombëtare, kategorizimi i asaj veprë penale në nivelin e veprave penale ndërkombëtare, më pas klasifikimi për veprat penale ndërkombëtare dhe një pjesë mjaftë të madhe duke e paraqitur gjenocidin, si një akt që kryhet nga njerëzit me veprime të cilat nuk i takojnë njeriut që t'i bën dhe etapat ne të cilat kalon gjenocidi që nënkuptohet që është një vepër e caktuar që ka për qëllim shkatërrimin e një grupi të caktuar njerëzish.

Pjesë tjetër do të ketë lidhur me përgjegjësinë penale të subjekteve dhe rregullat kryesore mbi të cilat ndërtohet kjo përgjegjësi penale.

Апстракт

Одредени субјекти во некои случаи имаат такво однесување што може да наштети на друг субјект или дури и на повеќе субјекти. Во зависност од дејството и однесувањето на субјектот, тоа може да се одрази на различни начини кон другите, степенот на ризик за неговото однесување може да влијае на субјектот, некои луѓе или поголем број луѓе. Она што е важно е фактот дека секое дејствие што само по себе има елементи со кои одредена вредност на друг субјект е оштетена, тогаш тоа дејство е дејство кое е спротивно на вредностите и како таквото треба да се казни. Кривичните дела можат да се поделат на одредени видови, почнувајќи од штета на некоја личност, различни форми во кои може да се повреди еден субјект, но и случаи кога е повредена одредена група на луѓе, , со намерно, конкретно и јасно дефинирани начини само да се оштети, но и целосно да се уништи таа одредена група на луѓе, е големо кривично дело од меѓународен карактер и во зависност од тоа кој ќе стори и како ова кривично дело е едно од најпознатите опасни меѓународни дела и што е кривично дело е геноцид.

Во оваа тема јасно ќе се види колку е многу важен делот на меѓународните кривични дела, кои се елементите што категоризираат одредено кривично дело на ниво на меѓународни кривични дела, потоа начините на кои се класифицираат меѓународните кривични дела и прилично голем дел претставувајќи го геноцидот како дело сторено од луѓе со дела што не му припаѓаат на човекот да ги изврши и фазите во кои поминува геноцидот, што треба да биде одредено дело наменето да се уништи одредена група на луѓе.

Другиот дел ќе биде поврзан со кривичната одговорност на субјектите и главните правила на кои се гради оваа кривична одговорност.

CHAPTER I

INTERNATIONAL CRIMINAL OFFENSES

1.1 International criminal offenses

What needs to be understood is the fact that at the moment when someone does a certain action which in itself has elements that affect, neglect or damage a certain good of the individual or society in general in these cases is meant to be done it is an act which is punishable and for which a concrete sanction is needed, by which it is attempted to avoid or eliminate those consequences which that certain behavior has produced. In this case, we must know that at the moment when such an action is committed, the person who committed it, ie the perpetrator automatically makes the criminal liability be formed. The fact of criminal responsibility is the substantial or most important element with which the criminal offense is presented or identified, including all its necessary elements that can be considered a criminal offense and that an appropriate sanction can be imposed on it. At the moment that is clarified regarding the criminal offenses, what should be discussed is the fact that the criminal offenses can be distinguished from each other in terms of the level of violation or the level of danger that that criminal offense has, because not all criminal offenses have a the same danger, but they are distinguished by the intensity with which they are caused, by the danger caused by such an action and by the violation of the rights of the subjects that a criminal offense may cause.

What is also very important is the fact that there are criminal offenses which are within a certain state and they are foreseen on the basis of each state what is considered a criminal offense, what are certain criminal offenses and these are distinguished from one state in the other state although negative actions are in principle actions which receive certain sanctions but when we talk about criminal offenses, what is important is the fact that these differ from state to state and that each state has defined in itself that what is considered a criminal offense and what is the relevant sanction or punishment for that criminal offense.

In our case, what makes it stand out is the fact that here we are not dealing with simple criminal offenses, but try to talk about criminal offenses of another level which have a very high

risk and intensity is distinguished from criminal offenses of ordinary, because here it is about international criminal offenses, which are very different from ordinary criminal offenses which are included in a certain state because international criminal offenses are certain and that these are different from ordinary criminal offenses which are in certain states because ordinary criminal offenses are actually those criminal offenses which have a lower risk, but at a certain moment when certain actions of the subjects present a very large, dangerous and with a very high intensity violation which violate the norms of international law in these cases we are dealing with international criminal offenses which are sanctioned by international law.

The criminal offenses which have a greater danger, the intensity is higher are those sanctioned by international law and we call them the same international criminal offenses or criminal offenses and this is not yet clearly defined by the reason that different opinions of the authors on this and as a result there are different names, but any of the names will not be considered wrong and that these offenses can be called international criminal offenses or international crimes because they have in themselves the elements or the constituent parts with which they are identified and classified as such as a consequence of the high risk they pose to themselves, the intensity with which they are caused and that these as such are sanctioned by international law.¹

When it comes to the part of the constitutive element of the criminal offense, it must be the guilt, when the person commits a certain act through his own fault.²

¹ Xhafo, Jola, . “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 49, 50

² Salihu, Ismet “*E drejta ndërkombëtare penale* ”- Prishtinë: Leoprint, 2005, fq. 397

What is as an important part is the fact that what are the main characteristics that distinguish these criminal offenses from ordinary criminal offenses, we call them ordinary offenses because not that they are not dangerous but because in this case we are dealing with such acts that the risk is higher. The characteristics of these international criminal offenses are as follows:³

- These criminal offenses are considered or are violations or violations of rules which are provided for in international conventions, treaties and so on. This is not accidental due to the principle that there is no criminal offense in cases where it is not provided by law and that given that various conventions or treaties are considered as law for the parties participating in it this element makes the criminal offense foreseen life is considered that these acts are law and that this is considered as one of the principles of legality.
- Given that there is an attempt to make these rules which are defined a greater kind of care of values which are important and which in no case should be harmed, the fact that such rules exist make it have a kind of greater care for these values from the whole international part that in the greatest emphasis and that as the most primary goal is the fundamental human right or fundamental human rights.
- The other element that is present in these acts has to do with the fact that all states are interested in combating destructive and dangerous actions and as a consequence follows the sanctioning or punishment of these crimes which are dangerous for them. all societies of all states. This fact informs us that states have the right to be able to prosecute the perpetrators of these international criminal offenses and to punish them for these offenses regardless of whether these entities or these persons have committed their offenses in this or that country has no relation to the territorial aspect or nationality related to the commission of the criminal offense or the subject who in this case was a victim of that criminal offense.
- International criminal offenses which have a higher risk and which are committed with

³ Xhafo, Jola. “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 49, 50

higher intensity are those which are not committed by a simple subject, ie they are not committed by persons whoever they may be, as may be the case to other criminal offenses which for different motives may be committed by certain subjects, while when we talk about these types of criminal offenses there are issues regarding who can commit them.

- In fact here they can perform certain subjects but by order of someone and that usually this can happen either by different military commanders, different officials or persons who are influenced by them and that such an action classifies in the group of international criminal offenses, so here not only that the criminal offense is with a greater risk and greater intensity but that the same is committed or ordered to be committed by certain entities who have influence and who use this influence to commit criminal offenses which in such a case we categorize as international criminal offenses.

- When it comes to these international criminal offenses another element which is specific is the fact that these criminal offenses can when the trial period comes which is one of the crucial moments regarding the imposition of the respective sanction the same can be tried as by the courts of certain states as well as by the international criminal courts which exist which thus makes it clear that these criminal offenses of an international character are not simple and that they are sanctioned and this sanction can be imposed by certain states , by their courts but can also be given by other courts that in this case is related to international criminal courts which are determined to impose sanctions on the perpetrators of these criminal offenses with high risk and high intensity.⁴

In this section we have presented those elements which are an integral part of international criminal offenses that at the same time make these criminal offenses distinguishable and can be categorized from other criminal offenses which are also convicted by the respective states, but unlike they have a lower level of danger and that the intensity with which they are caused is

⁴ Xhafo, Jola, “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 50

lower and is not at the level of these criminal offenses with which they are convicted by the international part and that by causing the same consequences are larger, more dangerous and of much higher intensity. These are the main characteristics which are considered as an important part of why the distinction of criminal offenses is made and that at the moment when these criminal offenses are caused in which way the respective sanction should be given, so here it has to do with those elements which are immediately involved in international criminal offenses.⁵

The part of the guilt of the person for the act for which he commits this thing is also emphasized also in the criminal codes of many states, where the notion related to criminal responsibility is precisely defined, more precisely said responsibility relating to guilt.⁶

1.2 Classification of international criminal offenses

The criminal offenses in themselves differ and such a distinction is presented based on the level of risk that a certain criminal offense can cause, on the level of intensity with which it is caused and that the part that criminal offenses which are distinguished and treated which have appropriate sanctions of each state are of a lower risk level, but this does not mean that they do not pose a risk in themselves, but that this risk is lower, therefore international criminal offenses are classified and distinguished from common criminal offenses which are within certain states. The following are considered international criminal offenses in the theory of international criminal law:

- War crimes
- Crimes against humanity
- Genocide

⁵ Xhafo, Jola, “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 50

⁶ Salihu, Ismet “ *E drejta ndërkombëtare penale* ”- Prishtinë: Leoprint, 2005, fq. 397

- Torture
- Aggression
- Other forms of international terrorism⁷

This categorization is not accidental but it is very important because it defines the main crimes which are punishable by international norms and as such are considered international criminal offenses which in themselves have a high risk and with a very high intensity that they really have an unusual sanction because even the subject who commits or is ordered to commit is a certain subject that has an impact on the circumstances in which this crime is committed.

But, this categorization does not mean that it is crucial because despite this categorization we have another classification which is also important and it is:

Main Category - International Criminal Offenses

- ***War crimes***
- ***Crimes against humanity***
- ***Genocide***

The second category - International Criminal Offenses

- ***Torture***
- ***Aggression***
- ***Terrorism***

This one or the fact that these international criminal offenses are very dangerous and as a consequence there is a division into major international and other criminal offenses, but this does not mean that these international criminal offenses which are part of the group second to be not

⁷ Xhafo, Jola, “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 50, 51

so important but that the fact when the same are compared with the first group have differences with each other, but any of these has a great danger and that should be very careful to each because each can produce very negative effect if not treated with the right level of care.⁸

1.3 Genocide

This international criminal offense is one of the most serious international criminal offenses or international crimes related to international criminal offenses and as such is treated as a result of very dangerous and very serious actions which are committed in case of genocide.

In terms of the term genocide was used and how it came to this term it should be clarified that this term was first used by Rafael Lemkin, which term genocide or this term was a combination of the Greek word *genos* referring to with the race which was from the Greek and *occidere* which has to do with murder and which was from the Latin.⁹ So, in the context of joining or interpreting the word genocide means killing a certain race but that is quite dangerous.

This international criminal offense given its importance that this importance comes as a result of its dangerousness becomes part of a very specific crime and this is best seen by the fact that this international criminal offense is provided for in the Convention on the Prevention and Prosecution of genocide brought by the General Assembly of the United Nations in the framework of resolution 260 A of 9 December 1948. This date is not insignificant because until the moment when this convention was not brought by the Assembly of the United Nations, this international criminal offense, ie genocide is not considered a criminal offense in itself, but has entered or has become part of the category of crimes against humanity, so with this resolution it has actually become a division as an international criminal offense which was intended to give due care, as it is not a common criminal offense but very dangerous and and as such should be

⁸ Xhafo, Jola, “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 50, 51

⁹ https://books.google.mk/books?id=Ks7nDwAAQBAJ&pg=PT95&lpg=PT95&dq=genocide+term+combination+greek+word+genos+referring+race&source=bl&ots=6tjE42dya8&sig=ACfU3U1nApDQ1Glydz51ZZ7UcTqeJ0H_eQ&hl=en&redir_esc=y – 15.06.2021

treated with the utmost care and as a consequence there is also the Convention which binds and treats the part of genocide as an international criminal offense.¹⁰

The Convention about Genocide by the United Nations General Assembly is of great importance in itself, not only because it has divided the international crime of genocide as part of the group of crimes against humanity but also within This Convention provides more details and information on the most accurate definition of genocide and what are the elements of the crime of genocide and many other elements which make this international criminal offense part of or categorize it as one very dangerous one.¹¹

What characterizes genocide is the fact that the attack is directed at a certain group and as such can be:

- **Murder of group members;**
- **Serious violation of the physical and mental integrity of group members;**
- **Placing the group in conditions that cause physical destruction, of all or part of the group**
- **Taking measures to prevent births within the group;**
- **Forced transfer of children from one group to another¹²**

What is important is the fact that genocide is envisaged as one of the greatest crimes which means that the perpetrators of genocide or those who in some way participated in the commission of genocide will be punished.¹³

The other form which is more disturbing besides these forms that none of them is adequate and in harmony with the normal life of man is that the persons or subjects of a certain group are

¹⁰ Xhafo, Jola, “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 51, 52

¹¹ <http://hrlibrary.umn.edu/instree/x4cnaslw.htm> - 15.06.2021

¹² <https://www.hrw.org/reports/2004/ij/ict/3.htm> - 15.06.2021

¹³ Salihu, Ismet “ *E drejta ndërkombëtare penale* ” - Prishtinë: Leoprint, 2005, fq. 350

deprived of a basic human right which is the right to decide to give birth to a child with which the family expands and the human being continues, but for the perpetrator of the genocide this is something impossible because it prevents the perpetrator from achieving his goal, which is the destruction of the group in question. in whole or in part. Within this form, various measures are taken so that the subjects who are part of the group do not have the opportunity to give birth to children and this is one of the other forms that clearly presents the picture of genocide and its purpose.

This is a very dangerous form because it prevents the realization of a basic human right and at the same time it represents a macabre act by which the perpetrator of the genocide is tried to achieve his goal.

The other form, although it is the last in the form part, does not mean that it is easier, but that in reality it still aims at the most sensitive category and what children are. In this form, there is an attempt to transfer children from one group to another and in this way another inhumane act is done because from the group from which they are found they are sent to another group and which represents an impossibility of realizing their rights. of children who belong to that group. This is another form that presents the picture of genocide and the fact why this international criminal offense is treated in a certain Convention, because this international criminal offense must be given great care due to the level of risk it carries. this act as a consequence of the inhuman intent of the perpetrator of the genocide.¹⁴

What is worth mentioning about the genocide is the fact that genocide can be committed during the war, but not only during the war, but also during the occupation or even during the peace, but it is understood that most cases when committed genocide is during the time of war and the time of occupation.¹⁵

1.4 Stages of genocide

¹⁴ Xhafo, Jola, “ *E drejta ndërkombëtare penale* ” – Tiranë, 2012, fq. 51, 52, 53, 54, 55

¹⁵ Salihu, Ismet “ *E drejta ndërkombëtare penale* ” - Prishtinë: Leoprint, 2005, fq. 352

When we talk about genocide, we really try to give a correct picture of how it develops and the idea is when the danger should be taken into account and so that it can be prevented, so here lies the fact that it is good to know what stages genocide is going through and when it can become clear when we are dealing with increased risk and when we can prevent the same.

In the part of the stages of genocide, the opinion of Dr. Gregory Stanton, who is president of Genocide Watch, according to Dr. Gregory Stanton The genocide goes through several stages and they are eight:

1. Classification: in this case when it comes to genocide one of the first and quite early elements that appears is the division of people into "us and them". This is the element that precedes all other elements and carries with it the risk of moving on to other stages that poses a risk to destroy a certain group.

2. Symbolism: This stage is the stage when certain parts are named or certain symbols take on different classifications, when we start naming people by the names we want or distinguishing them by colors, clothing and so on. This in principle is not so bad but at the same time it is human the difference and not necessarily bring genocide, perhaps genocide comes as a consequence when from the human to the inhuman. Usually this happens in those cases when the name is exceeded and when it is done with a certain hatred, so in principle the symbolism does not always lead to genocide but in cases when the same is not controlled and done with hatred then this can be presented as a fairly dangerous because it takes directions so that distinctions can be made and then other goals presented towards that particular group.

3. Dehumanization: This stage is the stage which presents some elements of genocide because in this stage one group consider the people of other group as animals or only as certain objects which do not have any definite value. This is a very disturbing element because man is not considered a human being but is considered something worthless and which is a certain object with which anything can be done and this is also an element that adds to the direction towards genocide. Usually this is a stage when members of this group are constantly tempted to

be hurt, hurt, despised and neglected altogether, in order that they have no value and are not considered human beings.

4. Organization: There is no random or unorganized genocide. Genocide is committed in an organized form. Usually certain forces are trained and armed the moment they want to commit genocide. This phase is a risk in itself because to prevent the same it must be done by law and try to investigate all violations that have been committed during this phase.

5. Polarization: The people who in this case present themselves as extremists are the ones who drive away certain groups, these people make a very negative propaganda. Then what is more tragic is the fact that according to the laws they can prohibit marriage or any social interaction.

6. Identification: What makes this stage very depressing is the fact that the victims are identified and then separated because of their identity, be it religious or ethnic identity. Part of this is the fact that death lists are compiled and compiled here. People who die and belong to a certain group have certain symbols that make them stand out from other groups. Usually this stage is the stage when these people of this group are mistreated and finally sent to certain places where they may even starve to death.

7. Destruction: this is the most dangerous phase because already in this phase is done the destruction of persons who belong to a certain group and in this case is the group that is intended to be destroyed in whole or in part. At this stage, mass or collective murder is committed, which is otherwise called genocide. At this stage there is total extinction because already the people who kill, the people who kill them are not considered people and they do it in a very savage way. This phase is the most dangerous phase and here rapid intervention is required so that a larger number of victims can be stopped because if it continues without intervention the number of

victims would be very large and there would be great loss of people in the group which in the present case is presented as a group which is intended to be destroyed in whole or in part.

8. Denial: This is the last stage, but it is the stage by which they attempt to hide the savage and not rightful actions that have been done. This stage is the usual stage for genocide. Because the perpetrators of genocide never admit that they committed this crime and that they always blame the victims for what happened, with the fact that they were not to blame for the actions but that this event happened as a result of misbehavior of victims. At this stage the perpetrators of the genocide try to intimidate the witnesses, try to hide the evidence to come out clean and innocent in the end. What is worth mentioning is the fact that no matter how they deny the offense they have committed again they have to appear before the international court or the national court. The fact of appearing before the court and sentencing or imposing a sanction on the perpetrators of genocide does not mean that the perpetrators should be punished only for the specific case, but this gives a reflection that there will be no genocide in the future and such actions with which it will be with the aim of destroying a certain group.¹⁶

¹⁶ <https://web.archive.org/web/20070611120255/http://www.genocidewatch.org/eightstages.htm> - 21.05.2021

CHAPTER II

RULES REGARDING CRIMINAL RESPONSIBILITY

2.1 Rule of legality (principle of legality)

Within this rule, its importance and role is very great because it represents an important basis regarding the commission of criminal offenses and the punishment for those criminal offenses. This principle means that in order to be considered a criminal offense, the same must be provided by law, which makes it clear that criminal offenses are provided by law and that at the moment when a certain offense is committed which is a criminal offense and which is provided by law, at that moment the legal basis is formed there to punish that criminal offense, precisely said to be punished for the same offense. This principle is derived from the Latin "Nullum crimen sine lege" and as the first punishment is presented in the Magna Carta Libertatum of 1215 as a certain way or form of rebellion of the aristocratic class against the arbitrary power of the monarch. When we talk about this principle, it should be emphasized that today it is one of the essential elements of many legal acts around the world; perhaps the same is provided in many certain acts as a basis to punish a certain criminal offense.¹⁷

This principle represents one of the most important principles which in no case should be ignored but should be respected and represents the most important element during the execution of the sentence.¹⁸

What does the principle of legality really mean?

This principle means that a certain person who has committed a certain offense and which is considered a criminal offense will have criminal responsibility only when at the moment when the criminal offense was committed, such action or omission is envisaged as an offense. criminal. This means that in order for a person to have certain criminal responsibility for his action, that action must be foreseen as a criminal offense and be punished for the same,

¹⁷ Xhafo, Jola., " *E drejta ndërkombëtare penale*" – Tiranë, 2012, fq. 105

¹⁸ Halili, Ragip "Penologjia – E drejta e ekzekutimit të sanksioneve penale" – Prishtinë, 2009, fq. 207

otherwise in the case when his action is not or is not considered an offense. criminal, in fact it is not provided as such he has no criminal responsibility. The criminal responsibility of the subject is related only at the moment when the act he has committed is considered a criminal offense.¹⁹

The principle of legality but also legality are two elements with which there is a real attempt to become a kind of main obstacle so that a certain violation of the law is not done.²⁰

2.2 Rule of legality of punishments

When it comes to the principle of legality of punishments, this principle is a kind of connection with the principle of legality, which means that the punishments given to perpetrators of criminal offenses must be determined by law in order to be able to to implement them properly as it should be implemented.

From the international point of view, what is very important to clarify is the fact that the courts enjoy great power in punishing or sentencing persons who are considered guilty of crimes or criminal offenses which are of an international character. Although the courts have such a greater power, this does not mean that this power should be unlimited, perhaps the states themselves given this have tried to define the same in the Statutes of International Courts and the main idea of this is that certain limits can be set in this regard by the courts.

Here we see clearly the manner in which the sentence was determined by the Court and the form in which they did so.²¹

2.3 Principle of speciality

¹⁹ Xhafo, Jola., “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 105, 106, 107

²⁰ Halili, Ragip “Penologjia – E drejta e ekzekutimit të sanksioneve penale” – Prishtinë, 2009, fq. 207

²¹ Xhafo, Jola., “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 110, 111

This principle is a principle which in itself has a great importance based on the aspect related to the precise definition of the elements or the explanation of the elements related to the objective side which in themselves have to do with inappropriate behavior or more well, with the behavior which is behavior punishable by law, but at the same time the aspect related to the level of guilt that the person had at the time when the criminal offense was committed must be specified.

In this principle it becomes easy to distinguish for the subjects which behaviors are punishable and which behaviors are not punishable, although in principle man himself is one who can know whether by his behavior he can cause improper actions with which there may be certain consequences, but at the moment when this principle is then it is clear which behavior is allowed and which behavior is not allowed to be done.

The principle of specialty is a certain principle or rule which makes us understand the subjective side, more precisely the level of guilt that the subject had during the commission of the criminal offense and the objective side related to the criminal offense, but also as a warning or information that which actions or behaviors of the subjects are behaviors which cause legal consequences more precisely saying which behaviors are prohibited and which behaviors are not prohibited.²²

2.4 Rule of individual responsibility

This principle is one of the main and essential principles or rules of international criminal law. This principle makes it clear that the subject who committed the criminal offense is responsible, more precisely no other subject can be considered responsible for behavior which he did not commit himself or in which he did not participate but such actions will be liable only to the person or entity who has committed them himself or in which he himself has participated. This principle implies that each person or entity will be confronted and held accountable for its actions, especially actions which are related to the criminal part, which means actions that are

²² Xhafo, Jola., “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 111, 112

not permitted, this means that each subject who commits any action prohibited by law or who participates in the commission of such action shall have regard to the punishment for its action.

By this principle is meant that in case a subject who belongs to a certain group commits a criminal offense in those cases no one from that group is responsible, be it national, religious, ethnic group and so on, but who will be responsible only the person who has committed this criminal offense, ie this principle distinguishes between collective punishment and individual punishment, more precisely between individual responsibility and collective responsibility.

In other words, everyone should keep in mind how they behave and that everyone's behavior has a certain responsibility and that no one can be held responsible for the actions performed by another subject.²³

The principle of individual responsibility should be distinguished from the principle of individualization because the principle of individualization implies that certain subjects who commit a certain criminal offense or crime, the punishment against them should be adapted to these persons in order to have reintegration of persons who are punished.²⁴

²³ Xhafo, Jola., “ *E drejta ndërkombëtare penale*” – Tiranë, 2012, fq. 115, 116, 117

²⁴ Halili, Ragip “Penologjia – E drejta e ekzekutimit të sanksioneve penale” – Prishtinë, 2009, fq. 210

CHAPTER III

International Criminal Courts

3.1. Nuremberg Military Court

International criminal courts, the part related to their trial, international criminal courts and national courts were resolved by being precisely defined in the Statute as to how this trial should be applied or how it should be exercised and based on two main models:

1. The model of superiority
2. The compliment model

The Nuremberg Military Tribunal is a court in which a specific model was accepted, according to which the Nuremberg Military Tribunal, which exercised its judgment only to try perpetrators of crimes committed at the time when they held high positions in the state hierarchy, while for others would be tried by the national courts of the country where the crime was committed. So this has been a model in which persons who have held high state functions have been tried by the Nuremberg Military Court, while other persons have been tried by the national courts of the country in which the crime was committed.

The part that makes this model more specific is that the main perpetrators of international crimes have been tried by an international court because it in itself offers several advantages:

1. The accused persons were in very large numbers after the Second World War and this would make it impossible for this court to try all these responsible persons, because this large number would make the court not could judge all these persons;

2. The importance of these crimes and the high rate of crimes have made it very difficult for all national crimes to be tried by national courts, so this has been a relief for national courts, then this difficult part is added even more in cases. when the trial of these persons would take place in the place where the crimes were committed or where all of them or most of the victims live, which would be very difficult and the process would be quite difficult;

3. Another part is the fact that the nature of the crimes which were committed during the Nazi regime was such that it involved almost all state representatives, including persons with leading political and military functions. From this we understand that such a thing would be quite difficult if these persons who have been involved in leading state positions be tried by national courts because such trials would have a different impact or would become a means of punishment. of political opponents or that persons who are perpetrators of such international criminal offenses have influence over the judiciary which will influence the court's decision.

The Nuremberg Military Tribunal is an example of the division of labor between international criminal courts and national courts, meaning that perpetrators of international criminal offenses who have held senior state positions have been tried by the Nuremberg Military Tribunal, while others have been tried by the national courts of the country where the crime was committed and this has helped to facilitate the trial process but at the same time the decision to be as objective as possible because the trial of all by international courts would be a difficult process but also it is very problematic to make a fair decision because if the persons or perpetrators of crimes who have held high state positions were tried by national courts there would be a possibility that their political opponents would see this as a means to convicted even more severely but if they had any particular connection to the judiciary it would be very to make an objective and fair decision.²⁵

²⁵ Xhafo, Jola, *E drejta penale ndërkombëtare*, Tiranë, 2012, fq. 201, 202, 203

3.2. The model of the Hague Tribunal

When we talk about the model part, what is important is the fact that the different historical circumstances in the territory of the former Yugoslavia influence that the model can be applied or adopted where the Hague Tribunal has priority over national courts in the case of trials that dealing with violations of international law. This means that the Hague Tribunal has precedence over national courts and that in cases where violations or violations of international law occur in these cases the national courts will not have precedence over the Hague Tribunal, but the Hague Tribunal will have precedence over the courts. national court for the adjudication of such cases and the decision regarding those acts which have been committed and whose action has caused a violation of international law.

What made the model of superiority apply in this court is the fact that this court intends to be equipped with all the necessary and appropriate competencies to be able to make the trial of the perpetrators as easy as possible. Criminal offenses which are considered serious violations of international law, as crimes against humanity such as genocide. The purpose of this is that these crimes which are violations of international criminal law and which have a high level of risk for people to be tried by this court so that a more objective decision can be made.²⁶

The part about the Hague Tribunal is that this is an ad hoc court and with territorial jurisdiction limited by the fact that it is about deciding certain cases decisively, it is about the territory of the former Yugoslavia and as a result this is considered as an advantage because there will be no overload during the trial of the perpetrators of these criminal offenses or violations of international law but since knowing the territory for which the trial takes place and when this trial is known correctly is even easier for the court because it can as easily and functionally perform its duties and functions without any problems related to the part of the overload or other parts such as the part of the origin of different territories.

²⁶ Xhafo, Jola, *E drejta penale ndërkombëtare*, Tiranë, 2012, fq. 203, 204

What should be known is the fact that the model of superiority in this case when it gives priority to the Hague Tribunal before the national courts for crimes committed in the territory of the former Yugoslavia is that it is impossible for national courts for acts and crimes which have occurred in the territory of the former Yugoslavia to be tried by national courts because after the break-up of the former Yugoslavia, there were inter-ethnic conflicts and the functions held by the perpetrators of these crimes were very difficult to bring before the courts and that for this reason the Hague Tribunal as another court had priority before the national courts with the sole purpose that it was very difficult and even impossible to bring the perpetrators of these criminal offenses before the national courts and for this reason such a thing was decided by the Hague Tribunal in order to bring a decision as objective as possible and to punish the perpetrators of criminal offenses in fact violations of international law.

With this model, the model of superiority means that this court, the Hague Tribunal, will have superiority and precedence over national courts, but what is important is the fact that the various authors have discussed quite carefully that it should not really give an absolute character to this part and that:

- Because the exercise of this right has its limitations;²⁷
- There are various rules which are clearly regulating the exercise of this right in order to avoid any particular conflict with the national courts.

In cases where we see Article 10 of the Statute what is worth mentioning is the fact that no certain subject can be tried by a national court for any certain serious violation which is a serious international violation, if for that offense it is tried before the Hague Tribunal, ie the trial before the Hague Tribunal means that the same violation of international law will not be tried before the national courts. There are cases when there is an exception to this rule which means that a person who is tried before a certain national court can be tried before the Hague Tribunal only in the following cases:

²⁷ Xhafo, Jola, *E drejta penale ndërkombëtare*, Tiranë, 2012, fq 204

□ In cases where a certain act which is an international crime is investigated or tried as a common crime

□ When the trial is held that way which is not permissible, it is not conducted independently and impartially or in that way just to protect someone certain but that there should be some kind of relief from international criminal responsibility that he should have been punished for his actions.

□ When this matter itself contains facts which are relevant and which may influence the investigation or adjudication of other parts within the jurisdiction of the Hague Tribunal.

The part that should be mentioned is the fact that the model of superiority does not mean that national courts are not capable of adjudicating perpetrators of international criminal offenses but that the adjudication of these acts or violations of international law will be related to the importance of a concrete case for the proceeding or adjudication of these other cases. Some authors call this a case which has criticisms for the reason that it may be presented as problematic for the subjectivity of the court.²⁸

3.3. Model in the Statute of Rome

The part related to the International Criminal Court is about which model should be applied in relation to the national courts, although based on the previous models it gave priority to the model of superiority but that the International Criminal Court did not decide in this way but otherwise.

What is worth mentioning is the fact that the International Criminal Court which is sanctioned by the Rome Statute is not an ad hoc court but is a permanent court and as such a court it has to face many issues as a national part, historical and geographical.

²⁸ Xhafo, Jola, *E drejta penale ndërkombëtare*, Tiranë, 2012, fq 205, 206

The other difficulty of this court would be in the investigation and gathering of evidence which would be necessary for the concrete cases which will be presented before the International Criminal Court.

What is worth mentioning is the fact that the Court will decide that the case will not be accepted and it emphasizes this in Article 17/1 of its Statute where it clearly clarifies that the case will not be accepted only when:

1. This matter is being investigated or prosecuted by the State having the right to investigate and prosecute it;
2. When the State which has made the prosecution and investigation of that matter under subparagraph (a) has decided not to prosecute the designated person;
3. When the person mentioned is judged for the conduct object of the complaint;
4. When in accordance with Article 1 of the Statute, the matter is of such importance that it does not justify the intervention of the court.²⁹

The way genocide is committed has many forms but what is important is the fact that when committing genocide it has to do with the destruction, great damage or even endangering the biopsychological integrity of the group which is attacked.³⁰

²⁹ Xhafo, Jola, *E drejta penale ndërkombëtare*, Tiranë, 2012, fq. 206, 207

³⁰ Salihu, Ismet *"E drejta ndërkombëtare penale"* - Prishtinë: Leoprint, 2005, fq. 350, 351

In the following part is the Convention for Genocide:

Convention on the Prevention and Punishment of the Crime of Genocide

Approved and proposed for signature and ratification or accession by General Assembly
resolution 260 A (III) of 9 December 1948

Entry into force: 12 January 1951, in accordance with article XIII

The Contracting Parties ,

Having considered the declaration made by the General Assembly of the United Nations in its
resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law,
contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-
operation is required,

Hereby agree as hereinafter provided :

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of
war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to
destroy, in whole or in part, a national, ethnical, 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.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
- (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV;
- (e) The abrogation of the Convention in accordance with article XV;
- (f) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.³¹

Rome statute of the International Criminal Court

Just a article for genocide

Article 6

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, 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.³²**

³¹ <https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx> - 05.06.2021

³² https://legal.un.org/icc/statute/99_corr/cstatute.htm - 05.06.2021

CHAPTER IV

4. Genocides in the world

We will mention some of them by presenting certain data and we will present the same as follows:

1. The Srebrenica Genocide
2. The genocide in Ukraine known as the Holodomor².
3. The Rwandan Genocide

4.1 The Srebrenica Genocide - 1992 – 1995

At the moment we are talking about genocide, here is a reflection on the tragic event which is the "Srebrenica genocide" in which the statistics are terrible and quite scary.

What is important is the fact that at the moment when the disintegration of the former Yugoslavia began on February 29, March 1, Bosnia declared independence through a referendum, but after that began the war which lasted until 1995, where a total of 100 thousand people lost their lives. , 50,000 women were raped and about 2 million people were forced to flee the homes in which they lived.

Sarajevo at that time was surrounded by Serbian forces and this happened after the independence of Bosnia and Herzegovina and this siege lasted about 3 and a half years, in which they lost their lives somewhere What is a frightening statistic is the fact that during this siege by Serbian forces dropped about 329 bombs a day and damaged 100 thousand buildings.

During just over a week in July 1995, the war and Republika Srpska police forces executed more than 8,000 Bosniak men and boys and deported about 25,000 women, children and the elderly from the formally declared UN “safe zone” of Srebrenica.³³

The scale of this crime was enormous and devastating, permanently marking not only Srebrenica but also Bosnia and Herzegovina (BiH), including inevitably also opportunities for recovery and peace building. Moving on between challenging and seeking justice and accountability, in the last 26 years instead of empathy and reconciliation is crime genocide in Srebrenica used to build a nationalist myth and fueling interethnic intolerance. The genocide continues like this - by denying, disputing, and glorifying convicted war criminals.³⁴

Criminal trials for war crimes committed in Srebrenica are determined by final court decisions that in Srebrenica in July 1995, genocide was committed. Legal qualification of the crime for post-conflict society is important for two main reasons: it determines the responsibility of those who committed the crime, and acknowledges the suffering of the victims and suffering. It is these two elements that are the subject of the dispute genocide in Srebrenica - the crime was not committed or was not genocide, the criminals are liberating heroes, while the victims are not victims or at least not in numbers which is determined. This is the Serbian official narrative, supported and empowered from Serbia, based on manipulation and institutionalized. They are victims in turn only a secondary element of the challenge, without a sincere intention to acknowledging their suffering and building trust and reconciliation in the local community in which the families of the victims, survivors, negators. Constantly challenging the crime committed and glorifying and Crime and criminals is a serious

³³ Hanson Green, M. Izveštaj o negiranje genocida u Srebrenici 2020, Srebrenica, 2020, Memorijalni centar Srebrenica-Potočari, dostupno na: <https://www.srebrenicamemorial.org/>

³⁴<https://srebrenicamemorial.org/assets/files/1625819630-izvjestaj-o-negiranju-genocida-za-2021-godinu-bosanski-jezik.pdf> , page 10

danger and a source of mistrust in the place which can be viewed as a mirror of ethnic relations in BiH, but also region.³⁵

According to the 1991 census, Srebrenica was inhabited 37,211 inhabitants. Of that, 72.88 percent were Bosniaks, 25.21 percent Serbs and 1.91 percent of the rest.

Over 10,000 inhabitants of the Srebrenica municipality were killed during the war, while over 18,500 were expelled from their homes. Most of those killed, expelled and displaced, as many as 90 percent were Bosniaks. Currently in Srebrenica 8,500 inhabitants live, mostly Serbs, which makes only about 25 percent of the prewar population. They are concentrated in three big ones local communities: Srebrenica, Skelani and Potočari where the war took place 53.29 percent of the population lived, and today they live in these local communities as much as 80.92 percent of the total population.

After laying the foundation stone for the construction of the Memorial the Srebrenica Victims Center since July 2001 in Srebrenica and the surrounding villages began the return of those who, in addition to the horrific crimes of July 1995 years were exiled. Most of the returnees are older women, mothers, who wish to be near the cemetery at the Memorial Complex in To the Potocari in order to pay homage to the murdered sons by learning the Fatiha.

The very first mass return to Srebrenica was a return of the dead. This happened on March 31, 2003, when 602 was buried exhumed and identified victims whose remains were found in the eye 100 mass graves between Srebrenica and Kladanj.³⁶

³⁵<https://srebrenicamemorial.org/assets/files/1625819630-izvjestaj-o-negiranju-genocida-za-2021-godinu-bosanski-jezik.pdf>, page 10

³⁶ https://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf , page 80

Of the more than 10,000 Srebrenica victims killed to date, they have been exhumed 6,500 and the remains are in plastic bags stored in Commemorative centers in Visoko and Tuzla are awaiting processing via DNA for the identification process.

Today, about 1,000 elderly people have returned to Srebrenica, mostly women and children. Most of them live in sheds, basements or ruins of their own a house. Because of the 5,000 destroyed houses, it is still in the Srebrenica area renovated about 200 houses, which is very small. In all the villages around Srebrenica 81 during the attacks of Radovan Karadzic and General Ratko Mladic destroyed are all houses, road communications, power lines and city lines were destroyed water pipe.

Today, Srebrenica looks spooky with ruined houses, half-broken windows, no shops with lighted shop windows, no options to buy the most necessary groceries or household appliances, the city is full of garbage that has not been taken away since the beginning of the war.³⁷

³⁷ https://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf , page 80, 81



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Part of the realization of this genocide was done through camps otherwise known as war 'death' camps where they were sheltered as small and large persons in which camps was also the last station for many Bosnian men. According to the data of the Union of Victims from the Camps of Bosnia and Herzegovina, what is shown is that during the war a total of 657 concentration camps were opened where about 30 thousand people lost their lives, then 200 thousand people were tortured in these camps. deaths across the country and about 25,000 women have been raped.

Thousands of people who lost their lives in these camps were buried in mass graves where to date as a result of the search have been found about 20 thousand bones of killed people, while somewhere 7 thousand 324 bones are still missing. In Prijedor, where these concentration camps were most numerous in the years 1992-1995, 5,209 people lost their lives, of which 4,093 were civilians.

³⁸https://en.wikipedia.org/wiki/Srebrenica_massacre#/media/File:Srebrenica_massacre_memorial_gravestones_2009_1.jpg – 03.06.2021

There are two incidents near the town of Travnik where 224 Bosniaks were killed by Serbian military forces, as witnessed by 12 survivors in a court in The Hague against former Bosnian Serb political leader Radovan Karadzic, where the bodies of 118 people others killed have not yet been found. The next incident took place in the village of Ahmići in 1993 when Croatian military forces killed 116 Bosnians, of whom 43 were women.

The other city known as the place where the massacres took place is the city of Zvornik, where in 1992, together with the Serbian army, there were also the "Arkan Tigers" who were paramilitaries of the Serbian army. In this country most of the families have disappeared, another large part of the population was sent to the camps and obviously the fact that they were sent there they were tortured and brutally killed to then end up in mass graves. Some 200 bones have been found, while 1,500 are still missing. What is worth mentioning is the fact that the paramilitaries under the leadership of the "Arkan Tigers" in Bijeljina have killed around 500 Bosnian.



³⁹ <https://theconversation.com/international-court-upholds-srebrenica-massacre-verdicts-37003-03.06.2021>

About 1,700 people were killed in the Bosnian town of Visegrad, while 14,000 were forced to flee their homes. What is worth mentioning is the fact that one of the most horrific massacres in Visegrad took place in 1992 where with 50 people who were killed there was also a 2-day-old baby and this shows the great severity and ferocity of this war of unjustly by Serbian forces. Serb paramilitaries first locked Bosniaks in a house and then threw bombs and set fire to the apartment, and as people inside tried to leave the house, they were shot by Serb paramilitaries. A similar incident took place almost in the same place, in the home of a Bosniak family in which over 70 people lost their lives and those who were trapped failed or very few managed to survive.

The other city which was part of the massacre was Foča where it was named by the Serbs as "Srbinje" which means "Serbian city", here a very large massacre was carried out throughout the war where actually 1,900 people lost their lives where 850 of them are still lost.⁴⁰

⁴⁰ <https://www.aa.com.tr/sq/jeta/bosnje-dhe-hercegovina-vendi-i-gjenocideve-dhe-masakrave/27392>-03.06.2021



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The issue of children's education is one of the most painful problems. There are two Bosniak children attending high school. One mother told us she complained of terrible discrimination against her children. When she wanted to enroll their children in the only high school that exists in the area Srebrenica, the director of that school replied that he could not accept hers either children because according to the decision of the School Council, only two students can be accepted non-Serbs and those two students are already attending classes, according to therefore that number has already been fulfilled.⁴²

Although there is freedom of movement to Srebrenica, there is none bus lines. There is only twice a week SFOR linij a Sarajevo - Srebrenica, Tuzla - Srebrenica and vice versa, but all passengers must check in a few days earlier at the SFOR base in Sarajevo or Tuzla to be placed on the list as potential travelers to Srebrenica. Bus communication between Srebrenica and the

⁴¹ <https://adri5senses.eu/listing-preview/museum-of-srebrenica-genocide/> - 03.06.2021

⁴² https://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf , page 81

surrounding villages also does not exist and it is the only one that takes place passenger cars, trucks or horse-drawn carriages.⁴³

Now will present the statements of the survivors of the massacre:

1. NN, a girl from Srebrenica,

Which survived the fall of the enclave

"Five years have passed since Srebrenica fell into Chetnik hands. Been I am still a child, but I can never forget July 1995. Srebrenica and the surrounding villages were constantly shelled in those days, so our schools were too stopped working. I loved coming to school because I saw myself there and played with to his friends. Serbs already knew what was happening in Srebrenica because they were entered the city in an unprofor uniform.

I finished the fifth grade of elementary school that summer. Chetniks are the first attacked Zeleni Jadar - an industrial zone away from the city of twelve kilometers. Columns of people began to march towards Potocari under a grenade rain. Mine believed that everything would calm down and not everything so hopeless. There was nothing better the next day and we had to leave Potocari road. Part of the male population went through the forest to the free territory one great uncertainty. Upon arrival in Potocari, they placed us in one large factory. We were scared and didn't know what to do. At once a Chetnik disguised in an unprofessional uniform appeared and started shouting and threatens: "No one will leave the factory who will not pay bloodily," shouted the Chetnik among a mass of distraught women, children and the elderly.

We couldn't sleep from the screams coming from everyone the side spreading in the depths of the night and from the surrounding hills the echo returned giving more scary and sound with these screams. Men and children were taken out of the factory and more they did not return. No one knew what happened to them anymore. I'm just scared I prayed to God that the day would dawn and that we would head towards Kladanj. In the morning we are a mother

⁴³ https://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf , page 81

and I set out to find drinking water, though we were more hungry than thirsty. There was a house next to the fountain, and the walls were completely bloody.

I stopped and went to tell my mother and then she froze and froze. Crucified man he stood by that house. That scene I can't forget for a lifetime. In fear I returned quickly. Rumors of last night's massacres spread quickly. Another passed day and another difficult night descended. I shivered with fear and some November. ⁴⁴

Before dawn there was an echo and a cry. They came in front of the factory raped and cut women who nazor were dying. Creepy scenes filled my childish eyes. On July 12, we finally took buses to Kladanj. Men and the boys were separated on the other side by saying that he would supposedly come for them another bus.

They stopped us in Bratunac and asked for money, asking if anyone had surnames like some of our fighters, and listed several surnames. Bratunacki The Serbs laughed but also raised three fingers. The same scene in Kravica, but nobody does anything he was allowed to speak. On the way to Nova Kasaba we saw our captives a people with their hands raised above their heads. Many recognized their own close. The road to Kladanj was like a road to eternity. After two days spent at Dubrave, they transferred us to a school in Mramor.

Today I am a student of the Trade School in Tuzla. Whenever I look in in the distance, I hope that my uncle will appear from somewhere, about whom I still don't know nothing. His two daughters eagerly await him and do not want to believe that he is not there. Life continues its relentless course. We have to move on through life, who deprived us of the most beautiful days of childhood. What I survived in Srebrenica can never be forgotten. ⁴⁵

⁴⁴ https://pescanik.net/wp-content/PDF/srebrenica_knjiga.pdf, page 65

⁴⁵ Srebrenica bilten broj 6 - mart 1999.

2. NN, born in 1947 in Podžeplje, municipality

Han-Pij esak. Married and lived in the village of Bajramovići, municipality of Srebrenica until the fall of Srebrenica

“11. July 1995 from the village of Bajramovići with her husband and three old sons from the age of 20 to 24 I set off through the woods towards Tuzla. On the way out grenades began to fall from the village. There were many wounded and dead.

We arrived in the village of Kamenice where the Chetniks ambushed us. Formed is panic. The shelling and throwing of war poisons started again. There they are wounded two sons. One was wounded in the left leg. My husband and I wrapped him up. The other was wounded in the area of his left lung, fell and could no longer walk.

We wrapped him up too, put him on and moved on carrying him. The third son is in panic separated us. We never saw him again.

As soon as we moved on, panic set in again. From the mighty shelling again many dead and wounded. In a panic, we didn't know what to do next. That's where we stayed. It was a meadow near the village of Sandici. Husband Hasan went to the creek to fetch water to drink and cool the wounded sons. Since there were many thirsty wounded, the water he brought was not there enough for everyone, so he went to the creek again. He won't be back, and mine the sons couldn't go any further, so we spent the night there.

On the morning of July 13, the Chetniks called us to surrender. Given that my children were wounded, I had no choice but to surrender. Somehow we gained strength and went down to a meadow near the asphalt in the village Sandici and surrendered. There was a house nearby where I was with my sons entered without knowing what would happen to us. There were many more of our people there, I recognized two brothers from Kutlić, Abid and Arif, Hasib from Rogatica and more people whose names I don't know.

While we were waiting on the meadow in Sandići, a lot of people came it was handed over separately by the Chetniks and taken in an unknown direction. They

told them that there were buses waiting for them somewhere that I had not seen. One the man tried to escape from that meadow. Chetniks shot him dead.⁴⁶

In the meantime, he came across a truck from the direction of Potocari, which is transported women and children. The Chetniks stopped him and told us to climb on the same. And I climbed with my two wounded sons on the truck that was leaving according to Tišća. We hoped to be saved. Upon arrival in Tisce, Chetniks they took my two wounded sons. Seeing them take my children unconscious I did, so I didn't see where they took them. When I regained consciousness I set off with the other women and children on foot towards Kladanj in the hope that at least my third son and husband will reach the free territory and Tuzla. My hope it was in vain. From then until today, I know nothing about them. Today I live alone in Tuzla and I still hope that he will show up one of the four missing members of my family.⁴⁷

4.2 Genocide in Ukraine - Holodomor

Genocide in Ukraine is otherwise known as Holodomor which means "to starve to death". It was one of the most horrific genocides of humanity that took place in Soviet - Ukraine and which lasted from the period from 1932 to 1933 that aimed to overthrow or the will of the Ukrainian people who constantly resisted the renunciation of the lands of them and working on Government lands. Food was barred from the houses, outside help was refused and people were barred from leaving. It was one of the largest Soviet famines which affected major agricultural regions. The number of dead people was very large, which is said to be around 12 million people, a very large number considering that it is a matter of human life. People who survived were strictly forbidden to talk about it.⁴⁸

⁴⁶ "Samrtno ljeto u Srebrenici" - Tuzla 1998.

⁴⁷ "Samrtno ljeto u Srebrenici" - Tuzla 1998.

⁴⁸ <https://sabrangindia.in/article/lest-we-forget-worlds-10-worst-genocides> - 03.06.2021



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During this period the Soviet Union was led by Joseph Stalin.⁵⁰



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⁴⁹ https://upload.wikimedia.org/wikipedia/commons/thumb/e/e1/Refugees_on_train_roof.jpg/800px-Refugees_on_train_roof.jpg - 03.06.2021

⁵⁰ <https://www.balkanweb.com/genocidi-ukrainas-nje-histori-e-tmerrshme-dhe-e-panjohur/> - 03.06.2021

⁵¹ https://en.wikipedia.org/wiki/Holodomor#/media/File:Alexander_Wienerberger_Holodomor18.jpg – 03.06.2021

4.3 The Rwandan Genocide

When we talk about the case of Rwanda it has to do with one of the most horrific human stories due to the genocide and mistreatment of people in Rwanda. Rwanda or when talking about the history of Rwanda what is common is the fact that Rwanda is no different from many other countries which have been under the colony. Rwanda was the colony of Belgium.

There were two peoples in Rwanda and they were the Tutsi people (an ethnic group otherwise known as the Abatutsi) and the Hutu majority people (the largest ethnic group in Rwanda). The idea of Belgium was to formulate the thesis that the Tutsis were above the Hutus and that they were more distinct than the Hutus with the sole purpose of forming a certain tension between these two tribes, who until then lived in peace among themselves, but from the moment when the distinction between these two tribes began to be made, there began to be tension between these two groups with which it then went towards the beginning of a tension between these tribes.



⁵² <https://www.csmonitor.com/World/Africa/2015/1210/One-of-main-instigators-of-Rwanda-s-genocide-finally->

The important part was that until the declaration of independence, the country was led by Tutsis with various violence and oppression against the Hutus, and after Rwanda gained independence in 1961, the leadership shifted to the Hutus. After the 1950s what is worth mentioning is the fact that Belgium had started to support the Hutus and then this group started to act badly with repression because they had suffered for several years and now it was time to take revenge on the various sufferings and oppressions which were inflicted on them.⁵³



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[nabbed](#) - 03.06.2021

⁵³ <https://www.trt.net.tr/shqip/opinione/2019/04/11/gjenocidi-ne-ruanda-1180697> - data 02.06.2021

⁵⁴ https://en.wikipedia.org/wiki/Rwandan_genocide - 03.06.2021

When we talk about the Rwandan genocide what is quite important is the fact that a very large number of people were massacred after the assassination of President Juvenal Habyarimana which was in 1994. The agreements which were the Arusha agreement that were with the Patriotic Front of Rwanda (RPF). that had been dominated by the Tutsis with the sole purpose of ending the civil war in Rwanda came to an end that was very unexpected with his death. Then the police officers, soldiers began systematic massive murders of Tutsis, Seas and some other Huts leaders.



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In fact large numbers of killings were caused in their villages by their neighbors. There have also been reports of at least 25,000 cases of sexual violence. The genocide actually ended when the RPF took control of the territory and expelled the perpetrators of the genocide.⁵⁶

⁵⁵ <https://www.bangkokpost.com/world/2090295/blind-france-bears-responsibility-on-rwanda-genocide-says-report> - 03.06.2021

⁵⁶ <https://sabrangindia.in/article/lest-we-forget-worlds-10-worst-genocides-> 03.06.2021

CONCLUSION

The part or explanation about genocide is always difficult and there is a lot to discuss but the fact that in this topic I have tried to present a clear picture regarding international criminal offenses and the characteristics of these international criminal offenses, the way these criminal offenses are classified international and on genocide and the stages in which genocide passes.

In the second chapter, the most important part is related to the part of criminal responsibility which the perpetrators of criminal offenses have and on which is based the certain punishment which is given to the perpetrators of criminal offenses, for their actions.

In the third chapter there are parts related to this criminal responsibility but which are related at the international level and clarification related to certain parts of the genocide.

In the fourth chapter the main part deals with the international criminal courts which have been a very important part and a basis for sentencing the perpetrators concrete cases of the international criminal offense of genocide but in the final part of the work is the Convention on about Genocide and a certain part of the Rome Statute related to genocide.

From this it is clear that any actions that are caused by people and then by those actions harm other people have in themselves elements to be criminal offenses and as such the perpetrators of those criminal offenses receive a certain punishment. Such is the criminal offense but it has a fairly broad character because the danger is much greater and the goal is to destroy a certain group of people and that is genocide.

In this topic I presented the part of international criminal offenses given that there are more criminal offenses of international character and which in themselves are distinguished as a result of many elements, but that the main treatment is genocide, as an international criminal offense with a high risk and with a fairly clear purpose.

The part on international criminal offenses, their classification but also the explanation of genocide and the stages of genocide are some parts, but not leaving aside the part of the main

rules related to the criminal responsibility of persons who commit certain criminal offenses, especially those which commit criminal offenses of international character and that the risk is greater.

In the part of the paper there are also parts of international criminal courts and concrete cases of genocide in the world, but also establishing the part of the Convention on the Prevention and Prevention of Genocide as well as a certain part of the Rome Statute related to international criminal offenses and that this represents a part that these offenses and their perpetrators should be punished with punishments which are certain.

RECOMMENDATION

The recommendations regarding genocide are:

- Perpetrators of genocide should receive maximum sentences
- To treat genocide as an international criminal offense with a very high risk
- Assist the families of genocide victims
- Carefully monitor each stage of the genocide
- There should be more clarification on genocide so that awareness can be raised and that such events are not allowed to happen in the future

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