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Resolution Number: New

Financial Implications: None

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1 Add new resolution to the Book of Resolutions as follows:

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3 **CRIMES AGAINST HUMANITY, GENOCIDE, AND WAR CRIMES**

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5 “Then the days drew near for him to be taken up, he set his face to go to Jerusalem. And
6 he sent messengers ahead of him. On their way they entered a village of the Samaritans to
7 make ready for him; they did not receive him, because his face was toward Jerusalem.

8 When his disciples James and John saw this, they said “Lord do you want us to command
9 fire to come down from heaven and consume them?” But he turned and rebuked them.

10 Luke 9: 51-56 NRSV

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12 “We confess that as Christians we too have responded to religious and ethnic differences
13 out of fear, ignorance and even hatred. We have too quickly resorted to violence as a
14 means of resolving conflicts. The rising tide of violence in the world threatens to engulf
15 communities, nations, and world civilizations. It is time for the church to become
16 proactive in resolving conflict nonviolently and developing alternatives to violence.”

17 “The Church’s Response to Ethnic and Religious Conflict” Resolution #81, BOR 2004

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19 Seeking non-violent conflict resolution and alternatives to violence the Council of
20 Bishops, in June 2004, offered a discussion guide “In Search for Security” which
21 reminded United Methodists that “Our Christian ethic tells us ‘If you want peace, work
22 for justice’. The course to pursue in search for security in the perspective of faith ‘is a

23 state of being that flows from the inclusion of all in the bounty of the earth. Security is
24 meant for all and results from a concern of each one for the other. Security results from a
25 concern for the common good and the promotion of solidarity between nations and
26 peoples. Security stems from a recognition and defense of basic human rights...”¹

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28 In the Social Principles of the United Methodist Church (Para.165C - War and Peace) it
29 states that “We believe war is incompatible with the teachings of Christ...and insist that
30 the first moral duty of all nations is to resolve by peaceful means every dispute that arises
31 between or among them.” In the same paragraph The United Methodist Church also
32 states, “We therefore reject war as an instrument of national foreign policy, to be
33 employed only as a last resort in the prevention of such evils as genocide, brutal
34 suppression of human rights, and unprovoked international aggression...”

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36 How and who will determine when “the last resort” has been reached and war becomes
37 the only way to stop “such evils as genocide, brutal suppression of human rights and
38 unprovoked international aggression”? The international community has been wrestling
39 with that concern. The 2005 World Summit at the United Nations agreed upon a number
40 of actions as global challenges including a concept emerging since 2001 the International
41 Responsibility to Protect which states that it is the “Clear and unambiguous acceptance
42 by all governments of the collective international responsibility to protect populations
43 from genocide, war crimes, ethnic cleansing and crimes against humanity. Willingness to
44 take timely and decisive collective action for this purpose, through the Security Council,

45 when peaceful means prove inadequate and national authorities are manifestly failing to
46 do it.”²

47 In 2006 the Ninth Assembly of the World Council of Churches (WCC) noted that
48 Responsibility to Protect has “shifted the debate from the viewpoint of the interveners to
49 that of the people in need of assistance, thus defining sovereignty as a duty-bearer
50 status...States can no longer hide behind the pretext of sovereignty to perpetrate human
51 rights violations against their citizens and live in total impunity...the responsibility to
52 protect and serve the welfare of its people is central to a state’s sovereignty. When there
53 is failure to carry out that responsibility, whether by neglect, lack of capacity, or direct
54 assaults on the population, the international community has the duty to assist peoples and
55 states, and in extreme situations, to intervene in the internal affairs of the state in the
56 interests and safety of the people.”³

57

58 In the twenty first century as in the twentieth the atrocities during war and peace time
59 have been and continue to be directed against civilians. The participants at the Ninth
60 Assembly of the WCC called attention to the “cries arising daily in their home countries
61 and regions due to disasters, violent conflicts and conditions of oppression and
62 suffering.” But, the Assembly participants knowing that they were empowered by God
63 remained committed “...to bear witness to transformation in personal lives, churches,
64 societies and the world as a whole.”⁴ In other words, “if you want peace, work for
65 justice”. “Do not be overcome by evil, but overcome evil with good” Romans 12:21.

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67 It becomes imperative that the international community find peaceful means to exercise
68 its Responsibility to Protect and never as a “last resort” have to go to war or even
69 intervene militarily. But, “Ending violence and wars, and checking impunity and
70 disregard for international human rights and humanitarian laws will require more than
71 political will and moral courage. Concrete programs and mechanisms are needed to
72 realize the totality of human rights – civil, political, social, economic, and cultural” One
73 of those mechanisms is the new International Criminal Court which has been set up to
74 bring to justice individuals who commit war crimes, crimes against humanity, genocide
75 and the crime of aggression.

76

77 It becomes imperative for United Methodists to clarify the definitions of these
78 international crimes and understand existing means for pursuing the perpetrators and
79 caring for the victims.

80

81 War Crimes according to Article 8, paragraph 2, subparagraph (a) of the Rome Statute of
82 the International Criminal Court states “For the purpose of this Statute, ‘war crimes’
83 means: Grave breaches of the Geneva Convention of 12 August 1949, namely, any of the
84 following acts against persons or property protected under the provisions of the relevant
85 Geneva Convention: i) Willful killing; ii) Torture or inhuman treatment including
86 biological experiments; iii) Willfully causing great suffering, or serious injury to body or
87 health; iv) Extensive destruction and appropriation of property, not justified by military
88 necessity and carried out unlawfully and wantonly; v) Compelling a prisoner of war or

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89 other protected person to serve in the forces of a hostile Power; vi) Willfully depriving a
90 prisoner of war or other protected person of the rights of fair and regular trial; vii)
91 Unlawful deportation or transfer or unlawful confinement; viii) Taking of hostages” And
92 Article 8, paragraph 2, subparagraph b) adds “Other serious violations of the laws and
93 customs applicable in international armed conflict, within the established framework of
94 international law, namely, any of the following acts: i) Intentionally directing attacks
95 against the civilian population as such or against individual civilians not taking direct part
96 in hostilities...⁵
97
98 Crimes Against Humanity are:” namely, murder, extermination, enslavement,
99 deportation, and other inhumane acts committed against civilian populations, before or
100 during war; or persecutions on political, racial or religious grounds in execution of or in
101 connection with any crime within the jurisdiction of the Tribunal, whether or not in
102 violation of the domestic law of the country where perpetrated...”⁶ This definition was
103 established by the Allies and the USA and was contained in Article 6) of the Charter of
104 the International Military Tribunal (IMT) sitting in Nuremberg in 1945. While no
105 Specialized Convention was ever developed on Crimes against Humanity, such a
106 category of crimes has been included in the International Tribunals for both the Former
107 Yugoslavia and for Rwanda as well as in the Rome Statute of the International Criminal
108 Court.
109

110 The International Convention on the Prevention and Punishment of the Crime of
111 Genocide defines Genocide as any act “committed with intent to destroy, in whole or in
112 part, a national, ethnical, racial or religious group, as such: Killing members of the group;
113 Causing serious bodily or mental harm to members of the group; Deliberately inflicting
114 on the group conditions of life calculated to bring about its physical destruction in whole
115 or in part; Imposing measures intended to prevent births within the group; Forcibly
116 transferring children of the group to another group.”⁷

117

118 Ethnic Cleansing is a “purposeful policy designed by one ethnic or religious group to
119 remove by violent and terror-inspiring means the civilian population of another ethnic or
120 religious group from certain geographic areas...This purpose appears to be the
121 occupation of territory to the exclusion of the purged group or groups.”⁸ Many
122 resolutions of the United Nations Security Council declare ethnic cleansing to be a
123 violation of international humanitarian law and demand that perpetrators be brought to
124 justice.

125

126 Crimes against Humanity, War Crimes and Genocide all come under the jurisdiction of
127 the International Criminal Court (ICC) and perpetrators are being brought before the
128 court. In 2005 the United Nations Security Council passed resolution 1593 referring the
129 crimes against humanity, committed in the tragic conflict in Darfur, to the ICC. In 2007
130 the Court’s Prosecutor named two Sudanese leaders for atrocities in Darfur.

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132 In 2005 the World Council of Churches affirmed the establishment of the ICC as “the
133 most important step forward in International Law...The Court provides the international
134 community with an instrument to defend human rights and pursue justice for specified
135 crimes that otherwise would be committed with impunity...”⁹ United Methodists first
136 expressed their support for the Court in the 2000 General Conference.¹⁰ Twenty five
137 countries where there is a United Methodist Church have ratified the Rome Statute on
138 which the Court is based before it entered into force in July 2002. One hundred and four
139 states have ratified as of January 2007.

140

141 THEREFORE: The United Methodist Church must search for ways to be a “witness to
142 transformation in personal lives, churches, societies and the world as a whole” and pursue
143 the elimination of violence, war, crimes against humanity, war crimes and genocide in
144 each of our societies and throughout the world. United Methodists are urged to continue
145 participating in the World Council of Churches’ (WCC) Decade to Overcome Violence:
146 Churches Seeking Reconciliation and Peace 2001-2010 and the Council’s worldwide
147 mobilization of churches for peace which will culminate with an International
148 Ecumenical Peace Convocation in May 2011.

149

150 The United Methodist Church must urge United Methodists, to pray, to gather in study
151 groups to learn about the degrading effects that war crimes, crimes against humanity and
152 genocide have on the victims, the perpetrators and on those who silently stand by. United
153 Methodists must initiate actions against impunity associated with violations of

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154 International Humanitarian Law by, among others, campaigning in all nations to ratify
155 the Rome Statute especially in those countries where there are United Methodists such as
156 the USA, Russia and Ukraine, Czech Republic, Republic of Macedonia, Philippines, Cote
157 d'Ivoire, Algeria, Angola, Mozambique, Sudan and Zimbabwe which have only signed
158 the statute (Macedonia has neither signed nor ratified).

159 The United Methodist Church calls on the Council of Bishops, all Agencies,
160 Commissions, Local churches, Districts, Annual and Central conferences to witness to
161 the urgent need to stop the destruction of life and to seek resources, develop resources
162 and share resources, in as many languages as possible and through the varied means
163 available in the United Methodist Church. Such resources should enable members of the
164 United Methodist Church to:

165 a) Remain informed and work towards the prevention of conflicts, atrocities, violence and
166 suffering which is born by millions of people in the world.

167 b) Participate in the World Council of Churches' mobilization of the churches for peace
168 and join other organizations and movements which struggle for peace with justice.

169 c) Assure the presence and participation of the church in those places where people need
170 protection and humanitarian aid. Mindful, that if external intervention, hopefully non-
171 violent or using force only in rare circumstances, is involved "churches should
172 nevertheless be engaged in increasing the capacity of the local people to be able to
173 intervene themselves by strengthening structures of the civil society and modern public-
174 private partnerships, in terms of prevention as well as protection. Churches are called to
175 offer their moral authority for mediation between differently powerful actors."¹¹

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- 176 d) Remain informed on the work of the International Criminal Court and become
177 supportive of the Court's work.
- 178 e) Support organizations working for human rights and be watchful and critical of the
179 new Human Rights Council of the United Nations as it develops its new structures and
180 procedures.

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¹ In Search of Security, United Methodist Council of Bishops, Quote by Franciscan theologian Father Bryan Massingdale, pg. 24

² Fact Sheet: 2005 World Summit Outcome, High-level Plenary Meeting, September 14-16 2005

³ Vulnerable Populations at Risk – Statement on the Responsibility to Protect by the Ninth Assembly of the World Council of Churches (WCC) meeting in Porto Alegre, Brazil February 14-23, 2006 – paragraph 5 and 6 of the Introduction

⁴ Assembly Message inviting churches and world to unite in prayer for transformation, the Ninth Assembly of the WCC, February 2006, paragraph 3

⁵ Rome Statute of the International Court of Justice, Part 2. Jurisdiction, Admissibility and Applicable Law, Article 8

⁶ Nuremberg Trial Proceedings Vol.1 Charter of the International Military Tribunal contained in the Avalon Project archive at Yale Law School

⁷ Convention on the Prevention and Punishment of the Crime of Genocide, Article 2

⁸ United Nations Commission of Experts Established pursuant to Security Council Resolution 780 (1992) issued May 27, 1994

⁹ International Criminal Court Statement from WCC Central Committee, February 2005

¹⁰ Globalization and its Impact on Human Dignity and Human Rights Resolution #309 adopted in 2000 and re-adopted in 2004 by General Conference.

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Vulnerable Populations at Risk – Statement on the Responsibility to Protect by the Ninth Assembly of the WCC, February 2006 – paragraph 7 of the Introduction

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