

On October 25-26, 2018, an International Conference **“Holocaust and International Law”** took place at the Odesa House of Scientists, which was dedicated to the 70th anniversary of the adoption of The Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948. The conference took place at the memorable dates of the murder of the Jewish population of Odesa in the gunpowder warehouses in 1941.

The organizers of the conference (Ukrainian Association of International Law, Odesa Holocaust Museum, Support for Fundamental Research Fund) have focused on the influence of the Holocaust on the formation of the doctrine and practice of international law on the prevention and punishment of the crime of genocide, as well as on the reflection of these tragic events in the international legal consciousness.

The issues of the conference included the development of international law in the context of understanding the concept of the Holocaust; retrospective responsibility in the context of crimes of genocide; the modern state of interpretation of the Holocaust by international lawyers; comprehension of the sentence of the Nuremberg Tribunal in the theory and practice of contemporary international law; the evolution of understanding the crime of genocide in the doctrine of international law; the impact of the concept of the crime of genocide on the development of international humanitarian law; problems of restitution for damages after the Second World War in modern international relations; Bucharest Process and its consequences.

The conference was attended by well-known experts of international law, judges and lawyers, representatives of The Consulate General of Romania in Odesa and the Consulate General of the Republic of Poland in Odesa.

The introductory speeches were made by the First Vice-President of the Ukrainian Association of International Law, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Associate Professor of the International Law Department at the Institute of International Relations, Taras Shevchenko National University of Kyiv Dr. Mykola Gnatovskyy, the American Jewish Joint Distribution Committee representative Yana Elkina, and the Director of the Holocaust Museum in Odesa Dr. Pavlo Kozlenko.

The conference opened with O. Halych's “Kaddish”, performed by outstanding artists Olexii Semanishchev and Ilya Zmeev. It created the appropriate emotional atmosphere of the conference.

At the first session, Associate Professor Dr. Mykola Gnatovskyy made a report and drew attention to the importance of 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the role of prevention in the averting of the crime of genocide, and the importance of strengthening the system of international criminal justice concerning international criminal responsibility for the crime of genocide.

Lawyer, historian, Professor at University of Warsaw Adam Redzik devoted his report to the little-known pages of the history of the inspirator, ideologist, and author of the concept of the “crime of genocide” Raphael Lemkin, as well as to the common and distinctive features of the crime of genocide in the concept of R. Lemkin and the views of Hersch Lauterpacht, and the terms, which contains the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the Statute of the International Criminal Court.

Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, Professor Borys Babin made a very relevant report covering unlearned lessons from the events of committing crime of genocide in Crimea.

The final report of the first session of the Head of the Centre for International Human Rights, Associate Professor of International and European Law Department, Faculty of Law, National University of Kyiv-Mohyla Academy, Professor Dr. Myroslava Antonovych was devoted to the specific and common features of the Holocaust and the Holodomor as crimes of genocide. In this report the speaker argued why the crime of the Holodomor should be classified as a crime of genocide. The moderator of the session was Associate Professor Nataliia Hendel.

The second session began with the report by the Chief of the Staff of the Constitutional Court of the Republic of Armenia, Coordinator of the Armenian Genocide Legal Research Center (Yerevan, Armenia), Executive Director of “the Constitutional Culture” International Analytical Center, Member of the Board of Trustees of the Armenian Genocide Museum Dr. Vladimir D. Vardanyan on pre-convention international legal regulation of the crime of genocide. He used an exact allegory as to the attitude of modern states to the charges of genocide, noting that the contemporary international law community regards the genocide as a serious international legal sin.

He was followed by the report of the Associate Professor of the Faculty of Law at National Research University Higher School of Economics, Dr. Gleb Bogush, who raised a debating issue whether it is necessary to elaborate and approve a new convention on genocide.

Speakers noted both merits with benefits as well as defects of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, focusing on the lack of effective mechanisms for the implementation of the Convention mentioned above.

Chief Research Consultant at the Institute of Legislation of the Verkhovna Rada of Ukraine, Professor Mykhailo Baymuratov, reasonably disclosed the significance of the Holocaust as a constituent factor in the formation and development of international humanitarian law.

The Head of the Department of Theory and History of State and Law, International Humanitarian University (Odesa), Professor Natalia Krestovska made an emotional and thorough report on the fate of children as victims of the crime of genocide. She emphasized that the development of international juvenile law, the main purpose of which is to ensure the priority of assistance to children in extreme situations, is closely linked to the formation of the concept of the crime of genocide and the mechanism for its prevention and punishment. The children usually constitute half or even more of the total number of deaths from genocide. Still, victims of genocide are not only murdered children, but also crippled ones, children, deprived of normal conditions for survival and development, those who witnessed mockery of members of their family or members of their group, and even those children, drawn into the crime of genocide by the adults. Taking into account certain gaps in the international legal mechanism for preventing and punishing the crime of genocide regarding the priority protection of children, Natalia Krestovska proposed to draft an Additional Protocol to the Convention on the Rights of the Child on the Protection of Child Victims of Genocide. The moderator of this session was Dr. Mykola Gnatovskyy.

In a separate speech, the Coordinator of the South Regional Centre of the Ukrainian Association of International Law, Professor Tymur Korotkyi, and Associate Professor Nataliia Hendel described the experience of using feature films in teaching disciplines “International Criminal Law”, “International Humanitarian Law”, “International Human Rights Law”, “International Justice”, and coverage of the Holocaust.

The second day of the conference began with a report by chief historian of Yad Vashem, head of the Kantor center in Tel Aviv University, Professor Dina Porat, who raised the very important issue of the inadmissibility of Holocaust denial through the prism of international law and domestic law.

Head of the NGO “Agents of Change!”, Jean Monnet Module Coordinator “EU as a Global Actor and Agent of Change” Dr. Darina Dvornichenko analyzed the role of the European Union in preventing the crime of genocide. The aim of the report was to identify the achievements and challenges in EU policy aimed at preventing genocide. The author analyzed the EU's actions regarding the events in Myanmar and the Darfur region, and also offered its own recommendations on improving the effectiveness of the EU on the issue of genocide prevention.

Deputy Coordinator of the South Regional Centre of the Ukrainian Association of International Law, Advisor to the Lawyers’ Association “Barristers” Dr. Mykola Pashkovskyi and Expert of the Support for Fundamental Research Fund Dr. Liudmyla Pashkovska revealed in detail the role of national courts in preventing and punishing the crime of genocide, as well as the implementation of international legal norms into the national legislation on the example of the Holodomor crime in Ukraine.

The axiological aspect was crucial in the speech of Professor of the Department of Philosophy and Methodology of Knowledge, Odesa I. I. Mechnikov National University Dr. Oksana Dovgopolova. Professor Oksana Dovgopolova offered the optics of the problem of preventing crimes of genocide through the development of mechanisms for critical thorough understanding of values systems in civil society. According to the speaker, not historical analogies, but a thorough analysis of the values hierarchies of political confrontation participants can reveal those germs that could lead to the crime of genocide.

The Chairman of the Odesa Regional Roms Congress Dr. Serhii Iermoshkin described in detail the Kali Trash (Nazi genocide against the Roma) in historical and international legal aspects, and drew attention to the need of protection the rights of ethnic minorities in Ukraine and Europe today through the example of Roma and Sinti community associations.

Legal counsel, NGO “Tenth of April” Olena Prokopyshyna revealed the role of the media in incitement to the crime of genocide through the language of hostility.

Director of the Holocaust Museum in Odesa Dr. Pavlo Kozlenko introduced the conference participants to unknown pages of the history of the Bucharest process, as well as with the crimes, committed on the territory of Odesa region during the Second World War hostilities.

Professor Tymur Korotkyi made a final speech. Having noted professionality of reports and the high importance of the conference he briefly summed up the results and made the proposal for the annual holding of this Conference in Odesa in October of each year. This ides was supported by the participants.

After the completion of the scientific part, the participants of the conference visited the Holocaust Museum in Odesa and Holocaust remembrance sites in Odesa. They paid tribute to the victims of the Holocaust in Odesa and to the Righteous Among the Nations in Prokhorovsky Square, after which the Chairman of the Odesa Regional Association of Jews – Former Prisoners of Ghetto and Nazi Concentration Camps Roman Shvartsman closed the conference.

The sponsors and partners of the conference were the American Jewish Joint Distribution Committee, the Kalustyan Odesa Armenian Cultural Center, Lawyers’ Association “Barristers”, NGO Professional Development Foundation, European Law Company.

Information partners of the conference are “Ukrainian Law” News Agency, A-1 TV channel (Odesa), Phoenix publishing house (Odesa).

The publications and interviews were conducted following the conference:

1. Press release of the conference: The “Ukrainian Law” News Agenc.: <http://ukrainepravo.com/international_law/public_international_law/golokost-i-mizhnarodne-pravo/>
2. Interviewed Dr. Vladimir D. Vardanyan. The A-1 TV channel (Odesa) [https://youtu.be/FMJ6s6UJL78](https://youtu.be/FMJ6s6UJL78?fbclid=IwAR1ISPqs9eqnd-exukSNdqGa85c2Bmb3ZtU_JDN4e91W0iPSJ2aBz1Eu_Es)
3. Interviewed Dr. Mykola Gnatovskyy. The A-1 TV channel (Odesa) https://www.youtube.com/watch?v=-DUxY5Zd65c&app=desktop
4. Interviewed Dr. Oksana Dovgopolova and Dr. Pavlo Kozlenko. The A-1 TV channel (Odesa) https://www.youtube.com/watch?v=EPUhUcvQ7dc
5. Interviewed Dr. Dr. Mykola Pashkovskyi and Dr. Serhii Iermoshkin. The A-1 TV channel (Odesa) <https://www.youtube.com/watch?v=madNePiJO2I>
6. Natalia Krestovska. Children as victims of the crime of genocide: The “Ukrainian Law” News Agenc.: <http://ukrainepravo.com/scientific-thought/naukova-dumka/dity-yak-zhertvy-zlochynu-genotsydu/>
7. Adam Redzik. Raphael Lemkin path to the concept of genocide: The “Ukrainian Law” News Agenc.: <http://ukrainepravo.com/scientific-thought/naukova-dumka/shlyakh-rafaelya-lemkina-do-kontseptsiyi-genotsydu/>
8. Oksana Dovgopolova. The problem of values in international law in Holocaust vision optics: The “Ukrainian Law” News Agenc.: <http://ukrainepravo.com/scientific-thought/naukova-dumka/problema-tsinnostey-u-mizhnarodnomu-pravi-v-optytsi-bachennya-golokostu/>
9. Iryna Nazarchuk. An old crime with a new name: Holodomor, Holocaust, and other genocides. Radio Liberty. <https://www.radiosvoboda.org/a/29595567.html>
10. How Raphael Lemkin persuaded the world to recognize genocide as a crime: The “Ukrainian Law” News Agenc.: <http://ukrainepravo.com/international_law/public_international_law/yak-rafael-lemkin-perekonav-svit-vyznaty-genotsyd-zlochynom/>