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Abstract:

One month into the 1994 Rwandan genocide, U.S. President Bill Clinton's National Security Advisors considered options to jam, destroy, or counter Radio Television Libre des Mille Collines (RTLM), the radio station used by Hutu extremists to incite and direct machete-wielding mobs. The administration ultimately decided not to take any action against RTLM. The primary reason for doing so would violate international communications law.

Now suppose that where the U.S. government declined to act, a wealthy individual hired private contractors to jam RTLM's transmissions, in violation of communications law and other laws. Such an action may arguably be legal, perhaps on the grounds that the jus cogens norm prohibiting genocide supersedes international communications law. It is possible that no legal action would have been taken against the actor involved. For private donors and contractors, however, taking this action in real time would have required a decision to willfully break laws and take aggressive, invasive action normally thought to be the sole right of states.

This article explores the conditions under which private actors—individuals or organizations acting without government authority—are justified in breaking the law to protect civilians from mass atrocity. Such actions could range from training civilians to evade danger to destroying or disabling equipment, to hiring mercenaries to use deadly force. The article posits that while states should remain the protectors of choice, there are cases where laws that would prevent private actors from protecting civilians are unjust and can be broken with caution. The article also proposes a set of case-by-case criteria drawn from civil disobedience theory and the **Responsibility to Protect** offered as a starting point to determine when such actions are justified.

Full report : http://www.humansecuritygateway.info/documents/AU_WCL_resistancetogenocidalgovts.pdf