

# PACIFIST TRIBUNAL

called to judge the French generals involved  
in the pronouncement and execution of death sentences  
during World War I

**Verdict delivered at the  
“Maison de Peuple”  
(house of the people)  
in Limoges,  
5<sup>th</sup> of April 2014**

*Translation from the French version*

## INTRODUCTION

I. *Pertaining to the jurisdiction of the court and applicable law*

- a. It is asked to this Court to rule on acts that occurred almost a century ago, in order to determine whether the victims of those acts have, in present times, the right to full rehabilitation.
- b. For our verdict to stand in modern times, it will be based and we will judge according to law and moral as they stand nowadays.

## PART I

Situation of persons who ordered the executions

II. *Concerning war*

- a. First and foremost, it is **war** itself that should be condemned. Not only the war referred to in this case, but all wars, those waged in the past and those that shall never appear in the future.
- b. It is necessary to recall, to share and to state loud and clear that **war is prohibited** by the [United Nations Charter](#) (Articles 2, 3 and 4).
- c. Thus, the United Nation (an organization which is now universal), all States and all individuals have the right and the ethical and legal obligation to prevent war and to make peace prevail, should they proceed by themselves, through their national institutions or the United Nation bodies (for the General Assembly see the UN Charter, Articles 10 to 12; for the Security Council see Chapter 6 and Articles 39 to 41).
- d. To add to this, **the right to legitimate self-defense**, as contained in Article 51 of the UN Charter, is strictly regulated. In particular, this right involves the principle of proportionality.
- e. Furthermore, **non-violence and prevention methods** could and should prevail in most circumstances and, consequently, the employment of these methods may be requested from individuals and authorities taking up the right to legitimate self-defense.
- f. Therefore, because prevention and non-violence methods are required, bearing also in mind the provisions of humanitarian law prohibiting weapons of mass destruction, this right to legitimate self-defense **does not legitimize in anyway the existence of huge of armies and of such weapons**, as they still exist in many States in the world.

g. Thus our court considers that the **preparation for war**, that establishing armed forces and manufacturing weapons are also major crimes<sup>1</sup>. These crimes are even more despicable as they create among humanity a spirit of conflict which seriously hinders the future, and gravely and constantly divert human, natural and material resources needed for peacebuilding and for the attainment of well-being and human dignity for humanity and each one of its members<sup>2</sup>.

h. We conclude this part on war by specifying that peace is **a common good of humanity** and that no-one has the right to jeopardize it, neither potentially nor effectively.

### III. *Concerning death penalty*

a. It is then necessary to condemn the **death penalty** with uttermost rejection. Any State at the service of his population and the quality of life this population should show full respect for life.

b. It must be underlined, as vehemently as may be, that war is in itself a **massive sentence to death**, of which civilians are the main victims.

c. Furthermore, this death penalty is applied **freely by the belligerents, without or with little discrimination regarding the victims and without trial**.

d. It goes without saying that this decision reinforces our condemnation of war and preparation of war.

### IV. *Concerning war crimes*

Willful killing of soldiers or civilians, committed during wartime, should it be legal or extrajudicial, is a **war crime** according to Articles 3 and 4 of the [Geneva Conventions](#) on humanitarian law and Article 8 of the Statute of the [International Criminal Court](#).

### V. *Concerning humanitarian law*

a. It is necessary to recall that according to **humanitarian law** (the Geneva Conventions aforementioned and their national application instruments), any individual who commits crimes which are prohibited by humanitarian law is subject to punishment.

b. Thus no one can invoke the obligation of obeying orders to exculpate itself, so every individual has to duty to resist illegal orders.

### VI. *Concerning military draft*

If the current [human rights](#) law makes an exception on the **prohibition of forced labor** regarding armed forces and civil service, our court considers nevertheless that the **draft** constitutes a serious and massive violation of the right to life, the right to freedom, and also of the right each person has not violate fundamental rights of other persons.

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<sup>1</sup> As far as it concerns weapons of mass destruction, including nuclear arms, crime is committed as these weapons are prohibited in various ways, or as disarmament should already have taken place. Regarding the existence of other types of armament or the very existence of armies, there is certainly a case for an ethical or legal violation of the obligation of benevolence and respect of the right to life. States have a duty under human rights law to do their uttermost to avoid war (see [General Comment nr. 6 of the Committee on Human Rights on the Right to Life](#), which orders States to prevent war). It is also at stake a violation of the right of survival of humanity as a whole, not only because of the risks resulting from war, but also because of the resources diverted for such purpose malign purposes as war (see next footnote). The fact that 26 countries can forego having an army at all (see [www.apred.ch](#)) also demonstrates the relative or negative usefulness of armies for national and world security.

<sup>2</sup> It is useful to provide few more examples of how resources used in waging and preparing for war could be used for good purposes. 1) The manpower and means belonging to all the armies of the world would prove sufficient to irrigate all world deserts and to reabsorb therefore all the water surplus caused by global warming. 2) There are about 20 million active soldiers in the world, 50 million if the figure includes reserve troops. Should they serve towards an unconditional and non-armed peace, those soldiers would be able to stop any war. There are fewer inhabitants in Syria than there are soldiers in the world. 3) Finally and most importantly, the economic resources absorbed by armies are four times bigger than the expenses needed to satisfy all basic human needs, of the entire humanity, which currently are not even covered. They are ten times bigger than public aid for development.

VII. *Concerning conscientious objection*

a. It is thus important to inform or to recall that the United Nations Human Rights Committee (a legal body) and the European Court for Human Rights have fully recognized **the right to conscientious objection**.

b. This right, which is now recognized as a universal right, allows the refusal to prepare for war, to participate in war or, where relevant, the refusal to obey the execution of an order which is contrary to humanitarian law.

VIII. *Concerning the Human Right to Peace*

Our court recalls that every individual and Humanity as a whole have **the fundamental and inalienable right to live in peace**<sup>3</sup>. The means necessary for the effective realization of the human right to peace are yet largely to be created. However, this court intends to modestly participate to the recognition and progress of the human right to live in peace.

PART II  
Conviction

I. In view of existing law, the persons who organized, ordered and completed the legal or extra-judicial executions of soldiers and civilians during World War I have already been condemned by history. Their acts are unacceptable or worth any credit or consideration.

II. In addition, this court has no ground to judge according to the existing law at the time these acts occurred. As coherent and nevertheless inhumane the law was at that time, the very existence of conscientious objection – and we here honor Louis Lecoin – or simple common sense and universal love prove that regardless of time and circumstances, it is possible to act humanly.

III. Finally, the court refuses to cite namely and in persons the generals on trial, they received enough attention already throughout this day. So forth, they are thrown in the dustbins of history.

PART III  
Rehabilitation

IV. *Concerning the scope of rehabilitation*

a. Bearing what has been herein and as death sentence is unacceptable as a whole, it is not appropriate to make distinctions between the victims of executions, by them based on the nature of the crimes or on the quality of the verdicts. Thus, all victims of these trials, from all of the Nations involved, shall be rehabilitated<sup>4</sup>.

b. This rehabilitation must be interpreted as recognition of the errors of the past, as reconciliation with the present and as present and future affirmation of the universal values of peace and respect towards life.

c. Here, State and nation carry a strong responsibility for the actions of the past, as well as for the promotion of present and future values. Therefore, it is important for the State to hold a strong role in the rehabilitation process.

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<sup>3</sup> The United Nations Charter, the statute of the International Criminal Court, article 8bis on the crime of aggression (not yet in force), article 28 of the Universal Declaration for Human Rights stipulating that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”, as well as other numerous international and local legal texts and diverse jurisprudences, particularly those on security, largely show that the legal basis for the human right to peace already exists.

<sup>4</sup> While it is beyond our current purpose, we could mention that all persons who were ever sentenced to death throughout all history, as well as their kin, have the right to rehabilitation, simply because of the injustice of the punishment.

V. *Concerning rehabilitation methods*

- a. The families of the victims should be the first to benefit from the effects of rehabilitation. They can request, if they wish to do so and free of charge, that the name of the deceased be written on the monuments built to honor the dead.
- b. A national cenotaph shall be raised to the memory of the deceased at the “Invalides monument” or in any other place of more symbolic and happy significance. It will carry an inscription stating that the abolition of the death penalty is a universal progress and improving the respect of life by governments.
- c. A national cultural effort will be undertaken in order to overturn historical symbols and to avoid sanctifying the “butchers of history” and to honor and cherish those who carry humanity towards the future, in liberty, sharing and happiness.

Done in Limoges, by and for the Peace Council, Saturday 5<sup>th</sup> of April 2014.

President: Christophe Barbey, lawyer and promoter of peace

Vice-president: Thom Holterman, Professor Emeritus (Law),

Vice-president: Gernot Lennert, PhD, historian and political scientist.

Extraordinary session of the Pacifist Court convened under the auspices of the International Center for Research on Anarchism in Limousin (Centre international de recherche sur l'anarchisme en Limousin, CIRA-Limousin) and the Pacifist Union of France (Union Pacifiste Française, UPF, the French section of war resisters international).