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Genocide

Broadening the scope of justice?

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- Definition of Genocide.
 - Narrow definition of protected groups.
 - Drafting the CPPCG.
 - Broadening the scope of justice?

Convention on the Prevention and Punishment of the Crime of Genocide

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.

Narrow definition of protected groups

- National, ethnical, racial or religious groups.
- Political groups?

“Genocide convention’s blind spot”

First draft CPPCG

Article I: Definitions

I. [Protected groups] “The purpose of this Convention is to prevent destruction of racial, national, linguistic, religious or political groups of human beings.”

Drafting the CPPCG

- 3 experts in expert committee.
 - Prof. Lemkin had doubts, political groups are not permanent and lacks characteristics of other groups.
 - Prof. De Vabres said that genocide is an odious crime, regardless of the group which fell victim to it.
 - Prof. Pella said that including political groups is an political decision from the Assembly. He also suggested to exclude Nazi and fascists groups.

Drafting the CPPCG

Against:

- USSR: WWII and 1930's.
- Poland: No historical basis or stable form.
- Venezuela: Suppressing insurgencies.

In favor:

- US, France, Lebanon and China.

US changed their opinion because other countries might not accede to the treaty with political groups in the definition.



Broadening the scope of justice?

- Why?
- Is it time to use the original definition?
- Killing of any group defined by the perpetrator?