

JUN 13 1973



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL

UN/SA COLLECTION



Distr.  
GENERAL

E/CN.4/Sub.2/303  
19 August 1969  
ENGLISH  
ORIGINAL: VARIOUS

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION  
OF MINORITIES  
Twenty-second session  
Item 10 of the provisional agenda

GENOCIDE

Note by the Secretary-General

1. In resolution 1420 (XLVI), entitled "Genocide", adopted at its 1602nd plenary meeting on 6 June 1969, the Economic and Social Council:

"1. Invites States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to transmit to the Secretary-General, in time for it to be available to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-second session, information on the measures adopted to give effect to the Convention;

"2. Again calls upon States which have not yet become Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to do so as soon as possible;

"3. Approves the decision adopted by the Sub-Commission in its resolution 8 (XX) to undertake a study of the question of the prevention and punishment of the crime of genocide;

"4. Authorizes the Sub-Commission to designate a Special Rapporteur from among its members to carry out that study;

"5. Requests the Secretary-General to give the Special Rapporteur and the Sub-Commission all the necessary assistance."

2. Pursuant to the first operative paragraph of the resolution, the Secretary-General on 3 July 1969 requested States Parties to the Convention on the Prevention

and Punishment of the Crime of Genocide to transmit to him, in time for it to be available to the Sub-Commission at its twenty-second session, information on measures adopted to give effect to the Convention.

3. As of 15 August 1969, replies had been received from Ecuador, Italy and Sweden, as follows:

ECUADOR

[Original: Spanish]  
30 July 1969

National legislation has always been in keeping with the spirit of the Convention. The Constitution of Ecuador contains various provisions to protect the human rights of the inhabitants of the country, both as individuals and as groups, regardless of the nature of the group, be it racial, cultural or political.

The Minister for Foreign Affairs deems it appropriate to inform the Secretary-General of the United Nations that - Fortunately - there have been no crimes of genocide in Ecuador; consequently there has been no occasion to apply the relevant penal measures provided for in the laws of the Republic.

ITALY

[Original: Italian]  
30 July 1969

In application of the Convention on the Prevention and Punishment of the Crime of Genocide, the following laws have been enacted in Italy:

Act No. 962 of 9 October 1967 - Prevention and punishment  
of the crime of genocide

Articles 1 to 5 of this Act are modelled on the definition of genocide contained in article II of the Convention, and provide for penalties ranging from a minimum of ten to eighteen years of imprisonment (in the case of acts committed with intent to cause serious bodily harm to members of a national, ethnical, racial or religious group as such, for the purpose of wholly or partly destroying it) to a maximum of life imprisonment (in the case of the acts enumerated in paragraphs (a), (b) and (c) of article II of the Convention if they result in the death of one or more persons).

/...



Article 6 provides for penalties entailing deprivation of liberty in the case of any person who compels members of a national, ethnical, racial or religious group to wear special marks or signs indicating that they belong to such a group; the penalties are greater when the act is calculated to bring about the total or partial destruction of the group.

Articles 7 and 8 provide for penalties in respect of the acts enumerated in paragraphs (b), (c) and (d) of article III of the Convention and in respect of public statements in defence of the crimes enumerated in articles 1 to 5 of the Act.

Lastly, article 9 deals with the jurisdiction of the Assize Court in the matter of genocide.

Constitutional Act No. 1 of 21 June 1967: Extradition  
in the case of crimes of genocide

Under articles 10 and 26 of the Constitution, extradition is not allowed in Italy in the case of political crimes.

In order to comply with the requirements of article VII of the Convention, therefore, a Constitutional Act had to be approved by a two-thirds majority of the members of the two branches of Parliament.

The single article of which the Act consists reads as follows: "The last paragraph of article 10 and the last paragraph of article 26 of the Constitution shall not apply to crimes of genocide".

SWEDEN

[Original: English]  
4 August 1969

A special law on the Punishment of Genocide was promulgated by the Swedish Parliament on 20 March, 1963.

-----