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Agenda item 10

GENOCIDE

Note by the Secretary-General

Addendum

The following further replies have been received to the inquiry dispatched to Governments in accordance with paragraph 1 of resolution 1420 (XLVI) of the Economic and Social Council:

PAKISTAN

[Original: English]
4 September 1969

All crimes of genocide, as defined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, are amply covered under the the existing provisions of the Pakistan Penal Code. The crime of genocide, in whatever form, is thus punishable under the various provisions of the Code. No fresh measures are necessary to give effect to the Convention.

ROMANIA

[Original: French]
4 September 1969

Romania acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948, by decree No. 236 of 2 December 1950.

The provisions of the Convention were thus introduced into Romanian legislation.

Decree No. 212 of 17 June 1960 introduced into the Penal Code a text punishing acts of genocide as an offence, the content of the offence corresponding to the provisions of the Convention of 9 December 1948. The text of this article is given below:

"Article 231 - The commission of one of the acts enumerated below, for the purpose of completely or partially destroying a group or community of human beings, for reasons of race, nationality or religion, shall constitute the crime of genocide and be punishable by the death penalty:

- "(a) killing members of the group;
- "(b) causing serious bodily or mental harm to members of the group;
- "(c) inflicting on the group conditions of life or treatment calculated to bring about its physical destruction;
- "(d) imposing measures intended to prevent births within the group;
- "(e) forcibly transferring children of one group to another group;

"Conspiracy to commit the crime of genocide shall be punishable by hard labour for a term of not less than five nor more than twenty years and the loss of civil rights for a term of not less than three nor more than ten years."

The new Romanian Penal Code, which entered into force on 1 January 1969, defines genocide as a crime in article 357, which reads as follows:

"The commission, for the purpose of completely or partially destroying a national, ethnic, racial or religious community or group, of one of the following acts:

- "(a) killing members of the community or group;
- "(b) causing serious bodily or mental harm to members of the community or group;
- "(c) inflicting on the community or group conditions of life or treatment calculated to bring about its physical destruction;
- "(d) imposing measures intended to prevent births within the community or group;

"(e) forcibly transferring children of one community or group to another community or group;

"shall be punishable by death and total confiscation of property, or by imprisonment for a term of not less than fifteen nor more than twenty years, the loss of certain rights and partial confiscation of property.

"If the act is committed in wartime, the penalty shall be death and total confiscation of property.

"Conspiracy to commit the crime of genocide shall be punishable by imprisonment for a term of not less than five nor more than fifteen years, the loss of certain rights and partial confiscation of property."

We would point out that it was not necessary to include express provisions in the sense of those of article III (c), (d) and (e) of the Convention on the Prevention and Punishment of the Crime of Genocide (relating to the punishment of incitement to commit genocide, attempt to commit genocide and complicity in genocide), since in accordance with the general provisions of the Penal Code incitement and complicity are punished in the same way as the act itself (article 23 and article 27, paragraph 1) and attempts are punished under the terms of article 21 combined with article 361, paragraph 1 of the same Code.
