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Agenda item 10

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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:

CHINA

[Original: Chinese]  
4 September 1969

The law governing the punishment of the crime of genocide promulgated by the President of the Republic of China on 22 May 1933 [is as follows]:

STATUTE FOR THE PUNISHMENT OF THE CRIME OF GENOCIDE

Promulgated by order of the President of the Republic of China on 22 May 1933\*

Article 1. The present statute is enacted for the prevention and punishment of the crime of genocide.

\* Translator's note: The year is apparently in error. According to a compilation of Chinese laws and regulations published in Taiwan in 1965, this statute was promulgated on 22 May 1953. Since Article 2 of the statute was based on Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, it is not likely that the statute could have been adopted as early as 1933.



Article 2. A person who commits any one of the following acts, with intent to destroy, in whole or in part, a national, racial or religious group, is committing a crime of genocide and shall be punished with death, or imprisonment for life or for not less than seven years:

1. Killing members of a group;
2. Causing serious bodily or mental harm to members of a group;
3. Deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group; and
6. Undermining a group by other conspiratorial means to bring about its destruction.

Any attempt to commit one of the offences specified in the preceding paragraph shall be punishable.

A person who prepares or conspires to commit one of the offences specified in paragraph 1 shall be punished with imprisonment for not less than one year and not more than seven years.

Article 3. A person who publicly incites others to commit one of the offences specified in paragraph 1 of the preceding article shall be punished with imprisonment for life or for not less than seven years.

Article 4. The provisions of the present statute shall apply to any of the offences specified in the preceding two articles, irrespective of whether it is committed in time of peace or in time of war.

Article 5. The provisions of the present statute shall apply to any person, irrespective of his status, who has committed any offence specified herein.

Article 6. The high court or the branch high court shall have original jurisdiction in cases involving any of the offences specified in the present statute.

Article 7. The present statute shall come into force on the date of its promulgation.

CZECHOSLOVAKIA

[Original: English]  
3 September 1969

Act No. 140 of 29 November 1961 contains, in the sense of the obligation stipulated in Article V of the above Convention, the provision on genocide in paragraph 259, which reads as follows:

1. Whoever, acting with the intent to destroy fully or partially a national, ethnic, racial or religious group,
    - (a) brings the members of such group into living conditions which are to cause their complete or partial physical destruction;
    - (b) carries out measures designed to prevent children from being born in such a group;
    - (c) forcibly transfers children from one such group to another group, or
    - (d) causes severe injury to the health or the death of a member of such a group;
- shall be punished by imprisonment for a term of twelve to fifteen years or by death.

2. The same punishment shall be imposed on any person who participates in the acts described in paragraph 1.
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