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GENOCIDE - DRAFT CONVENTION

AND REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Union of Soviet Socialist Republics: Amendments
to the draft convention (E/794)

The Soviet delegation proposes the introduction into the draft Convention on Genocide (E/794, 24 May 1948) of the following amendments:

1. In the Preamble to the Convention:

(a) In paragraph 1, page 68 of the Russian text (page 54 of the English text) (E/794), after the words "a grave crime against mankind", add the words: "directed towards the destruction of separate human groups on racial, nationalistic or religious grounds"; in the same paragraph, after the words "... the United Nations", delete the word "and", substitute a comma, and after the words "... by the civilized world, add: "and which is a blot on the countries where such crimes, propaganda and incitement to their commission are still practised";

(b) In paragraph 2 on page 68 of the Russian text (page 54 of the English text) (E/794), after the words: "having been profoundly shocked by many recent instances of genocide", add the words: "which is organically bound up with Fascism-Nazism and other similar race 'theories' which preach racial and national hatred, the domination of the so-called higher races and the extermination of the so-called lower races";

(c) In paragraph 4 on page 68 of the Russian text (page 54 of the English text) (E/794), after the words: "... being convinced that", add the following words: "all civilized peoples are required both in peace and in war to take decisive measures"; in the same paragraph, after the words: "... for the commission of genocide", add the words: "and to suppress and prohibit the stimulation of racial, national and religious hatred and to punish severely persons guilty of inciting, committing or preparing the commission of the aforementioned crimes and that to this end..."

2. Delete Article 1, since its subject-matter will be fully covered if the modifications to the text of the Preamble (page 69 of the Russian text and page 54 of the English text) (E/794) are accepted.

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If those modifications are introduced, the Preamble to the Convention will read as follows (the additions introduced by the Soviet Union delegations are underlined):

PREAMBLE

"THE HIGH CONTRACTING PARTIES,

declaring that genocide is a grave crime against mankind directed towards the destruction of separate human groups on racial, nationalistic or religious grounds, which is contrary to the spirit and aims of the United Nations, which the civilized world condemns, and which is a blot on the countries where such crimes, propaganda and incitement to their commission are still practised;

having been profoundly shocked by many instances of genocide, which is organically bound up with Fascism-Nazism and other similar race "theories" which preach national and racial hatred, the domination of the so-called higher races and the extermination of the so-called lower races;

having taken note of the fact that the International Military Tribunal at Nuremburg in its judgments of 30 September - 1 October 1946 has punished under a different legal description certain persons who had committed acts similar to those which the Convention aims at punishing; and

being convinced that all civilized peoples are required both in peace and in war to take decisive measures for the prevention and punishment of genocide and to suppress and prohibit the stimulation of racial, national and religious hatred and to punish severely persons guilty of inciting, committing or preparing the commission of the aforementioned crimes and that to this end international co-operation is necessary;

HEREBY AGREE TO PREVENT AND PUNISH THE CRIME OF GENOCIDE AS HEREINAFTER PROVIDED.

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3. From the introduction to Article II to delete the words "... political group" and "political opinion."

To delete points 1 - 4 of this Article and to substitute the following:

- "i. The physical destruction in whole or in part of such groups;
- ii. The deliberate creation of conditions of life aimed at the physical destruction in whole or in part of such groups."

4. To Article IV to add points "e" and "f" as drafted hereunder and accordingly to call point "e" in the draft Convention point "g". The following is the proposed working of the new points "e" and "f":

"(e) The preparatory acts for committing Genocide in the form of studies and research for the purpose of developing the technique of Genocide: setting up of installations, manufacturing, obtaining, ~~possessing~~ or supplying of articles or substances with the knowledge that they are intended for Genocide; issuing instructions or orders and distributing tasks with a view to committing Genocide";

"(f) All forms of public propaganda (press, radio, cinema etc.) aimed at inciting racial, national or religious enmities or hatreds or at provoking the commission of acts of Genocide." (E/794, page 70 of the Russian text, page 55 of the English text).

Article V to become point 1 of that Article and to be completed by the addition of point 2 as follows: "command of the law or superior orders shall not justify genocide." (E/794, page 71 of the Russian text, page 55 of the English text).

6. In Article VI, after the words "to give effect to the provisions of this Convention...", add "... aimed at the prevention and suppression of genocide and also at the prevention and suppression of incitement of racial, national and religious hatred...", and after "... the necessary legislation in accordance with their constitutional procedures", add the words "to provide criminal penalties for the authors of such crimes". (E/794, page 71 of the Russian text, page 56 of the English text).

7. In Article VIII delete the words "or by a competent international tribunal." (E/794, page 39 of the Russian text, page 29 of the English text).

8. In Article VIII, delete points 1 and 2, and substitute the following: "the High Contracting Parties undertake to report to the Security Council all cases of genocide and all cases of a breach of the obligations imposed by the Convention so that the necessary measures may be taken in accordance with Chapter VI of the United Nations Charter." (E/794, pages 71 and 72 of the Russian text, page 56 of the English text).

9. Article X of the Convention to be deleted. (E/794, page 72 of the Russian text, pages 56 and 57 of the English text).

10. Complete the Convention by adding the following Article:

"The High Contracting Parties pledge themselves to disband and prohibit any organizations aimed at inciting racial, national or religious hatred or the commission of acts of genocide".

11. In Article XII, point 1, for "General Assembly" substitute the words "Economic and Social Council".

12. Replace Article XIV by the following: "the present Convention by denounced by a written notification addressed to the Secretary-General of the United Nations. Such notification shall take effect one month after the date of its receipt."

13. In Article XVI, delete points 1 and 2 and substitute the following: "A request for the revision of the present Convention may be made at any time by any State signatory to the Convention by means of a communication in writing addressed to the Secretary-General. The Economic and Social Council will decide what action should be taken regarding such a request." (E/794, page 75 of the Russian text, page 58 of the English text)
