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IXTH COMMITTEE

GENOCIDE: DRAFT CONVENTION (E/794) AND REPORT OF THE ECONOMIC  
AND SOCIAL COUNCILBelgium: Amendments to the Draft Convention

## PREAMBLE

First word of first paragraph: for "declaring" read "recognizing".

Note: A declaration of principle was made in 1946. The consequences that follow derive from recognition of this same principle.

I. Last paragraph: substitute the words "hereby agree as follows".

Note: The undertaking to prevent and punish the crime of genocide should be contained in the operative part of the Convention rather than in the preamble.

For this reason Article I should read as follows:

## ARTICLE I

"The High Contracting Parties undertake to prevent and punish the crime of genocide", instead of the present wording.

Note: This wording, which is determined by the definition of the crime of genocide contained in the following article, is an improvement on Article I of the draft, which merely repeats the principle of the unanimous resolution of 1946, without making it more effective. If necessary, this principle could be referred to in the preamble.

## ARTICLE II

Substitute the words:

"The following are crimes of genocide:

(a) Murder;

(b) Impairing physical integrity;

(c) Inflicting enforced measures or conditions of life, aimed at causing death;

(d) Imposing measures intended to prevent births within the group;

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/Where

Where such acts are committed with intent to co-operate in destroying a national, racial or religious group on grounds of national or racial origin or religious belief."

Note: 1. This definition omits the political group.

2. It is unnecessary to refer to deliberate acts, since the existence of particular intent, which is expressly stipulated, implies deliberation.

#### ARTICLE III

Omit, with a view to inclusion among provisions for the protection of human rights. Such transfer could be noted in a resolution.

#### ARTICLE IV

Substitute the words:

"In addition to the crime of genocide as defined in Article II the following acts shall also be punishable:

- (a) Direct and public incitement to commit genocide.
- (b) Conspiracy to commit genocide.
- (c) Attempts to commit genocide.
- (d) Complicity in crimes of genocide.

#### ARTICLE V

Substitute the words:

"Persons guilty of the crime of genocide as defined in Article II or of the punishable acts enumerated in Article IV shall be brought to justice, whether they be Heads of States, public officials or private individuals."

#### ARTICLE VI

Proposed amendment does not affect English text.

#### ARTICLE VII

Delete the words:

"Or by competent international tribunal".

Note: No such tribunal exists.

#### ARTICLE VIII

Delete.

Note: Redundant. What is permitted under the Charter should not be permitted in different terms in a Convention.

#### ARTICLE IX

For the first paragraph substitute the following:

"the crime of genocide as defined in Article II shall not be considered as a political crime exempt from extradition".

The second paragraph remains unchanged.

ARTICLE X

After the first four lines, delete the remainder of the Article beginning with the words "provided that".

ARTICLES XIV, XV, XVI

Delete.

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