

## THE CRIME OF GENOCIDE

## REPORT OF THE SIXTH COMMITTEE

Rapporteur: Professor K.H. Bailey (Australia)

1. The General Assembly, at its forty-seventh plenary meeting on 9 November 1946, referred to the Sixth Committee a draft resolution submitted by the delegations of Cuba, India and Panama drawing the attention of the Economic and Social Council to the crime of genocide and inviting the Council to study this problem and to report on the possibility of declaring genocide an "international crime" (document A/BUR/50).
2. This draft resolution was debated in three meetings of the Sixth Committee (documents A/C.6/84, A/C.6/91, A/C.6/96) during which amendments were proposed by the delegations of the United Kingdom, India, France, Union of Soviet Socialist Republics (documents A/C.6/83 and A/C.6/95), Saudi-Arabia (document A/C.6/86), Chile (document A/C.6/94) and Poland. The amendments and the debate in the Sixth Committee indicated that there was unanimous agreement that the General Assembly should affirm that genocide is a crime under international law. A Sub-Committee was appointed to draft a resolution for submission to the Sixth Committee.
3. The Sub-Committee, consisting of representatives of Chile, Cuba, France, India, Panama, Poland, Saudi-Arabia, United Kingdom, Union of Soviet Socialist Republics, and the United States of America, met on 2 and 5 December 1946, under the chairmanship of the representative of Chile, Mr. E. Gajardo, to consider the draft proposals on the crime of genocide.
4. The Sub-Committee felt that the resolution of the General Assembly should affirm that genocide is a crime under international law, condemned by the civilized world, and that provision should be made for the

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punishment of principals and accomplices who may participate in the commission of this crime. The question whether or not the responsibility of States should be mentioned in the resolution was considered; it was the sense of the Sub-Committee, however, that because of special problems in that connection the question of fixing state responsibility, as distinguished from the responsibility of private individuals, public officials, or statesmen, was a matter which could more properly be considered at such time as a convention on the subject of genocide is prepared.

5. The Sub-Committee felt that it was desirable for Member States to enact legislation for the prevention and punishment of the crime of genocide, but that it was not necessary to compare genocide to other crimes such as piracy and traffic in women, as had been suggested in some of the proposals before the Sub-Committee.

6. The Sub-Committee felt that it was important that there should be early action with a view to the preparation of a draft convention on the subject of genocide. To that end the Sub-Committee proposed in the draft resolution that the General Assembly should request the Economic and Social Council to undertake the necessary studies and to prepare a draft convention for submission to the next regular session of the General Assembly. Some members of the Sub-Committee stressed the importance of the creation of a small Special Committee of Jurists to prepare the convention, while others felt that the Economic and Social Council should secure the co-operation of the committee which it is proposed should be set up by the General Assembly, to study the methods of encouraging the progressive development of international law and its codification. It was finally decided by the Sub-Committee that the resolution itself should place the responsibility solely with the Economic and Social

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Council.

7. The Sub-Committee considered a proposal made by Poland concerning the propagation and dissemination of hatred against national, racial or religious groups as a step preparatory to the crime, and concerning the punishment of those responsible therefor. It was agreed that this interesting proposal should be mentioned in the report and left for consideration in connection with the draft convention or studies made under the resolution.

8. The Sub-Committee report (document A/C.6/120), presented by its rapporteur, Mr. Charles Fyhy (United States), was adopted unanimously by the Sixth Committee at its thirty-second meeting on 9 December 1946.

9. The Sixth Committee therefore recommends that the General Assembly adopt the following resolution:

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Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

#### THE GENERAL ASSEMBLY THEREFORE

AFFIRMS that genocide is a crime under international law which the civilized world condemns - and for the commission of which principals and accomplices, whether private individuals, public officials or statesmen, and whether the crime is committed on

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religious, racial, political or any other grounds - are punishable;

INVITES the Member States to enact the necessary legislation for the prevention and punishment of this crime;

RECOMMENDS that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide; and, to this end,

REQUESTS the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

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