

Press Release

L/2762

PREPARATORY COMMITTEE FOR ESTABLISHMENT OF INTERNATIONAL CRIMINAL COURT DISCUSSES DEFINITIONS OF 'GENOCIDE', 'CRIMES AGAINST HUMANITY'

19960325

The Preparatory Committee on the Establishment of an International Criminal Court this afternoon discussed the possible definitions for both genocide and crimes against humanity that might be included in the statute of such an international court.

The representative of Japan said that while the 1948 Genocide Convention would prove useful for defining the crime of genocide, caution needed to be exercised since that Convention, in effect for nearly 50 years, had only been acted upon three times -- at the Nuremburg Tribunals and in the tribunals for the former Yugoslavia and for Rwanda -- and each of those prosecutions had been aimed at specific perpetrators. It was worth considering whether the Genocide Convention definition was fully operational, he said.

The representative of Egypt stressed that the provisions of the Genocide Convention of 1948 had been aimed primarily at decision makers and policy makers. He said that aspects of complicity, conspiracy and attempt would apply to all crimes within the purview of the court.

Many other speakers this afternoon supported the inclusion of Genocide Convention definitions in the statute of the proposed court. They emphasized that the Preparatory Committee should be concerned primarily with determining the applicability of existing law. Attempts to codify new law could complicate the process and impede establishment of the court. Several speakers called for the extension of the definition of genocide to include social and political groups, while others said that such acts of violence would be better

prosecuted as a crime against humanity.

Also speaking on the topic of genocide were representatives of Qatar, Portugal, Cameroon, Hungary Georgia, Singapore, Thailand, Czech Republic, Venezuela, Colombia, Brazil, Malaysia, Lesotho, Ireland, Republic of Korea, India, Uruguay, Yemen and Syria.

In the discussion of crimes against humanity, speakers noted that there was no ready definition of that crime under a specific treaty, but its definition lay in aspects of customary international law contained in various accords. Many said that the definition of crimes against humanity for the

International Criminal Court - 2 - Press Release L/2762 2nd Meeting (PM) 25 March 1996

purpose of the statute should be based on the texts of the tribunals for the former Yugoslavia and for Rwanda. It was generally agreed that crimes against humanity need not be limited to actions during time of war.

The representative of the United Kingdom said that crimes in that category must have an international aspect to be considered by the proposed criminal court. The representative of France said that crimes against humanity must be acts which "shock human conscience". They should be systematic and not exceptional incidents.

Also speaking on crimes against humanity were the representatives of Sweden, Croatia, Egypt, United States, Italy, Argentina, Netherlands, Germany, Hungary, Qatar, Ukraine, Finland, Israel, Japan, Denmark and Slovenia.

When it meets again at 10 a.m. Tuesday, 26 March, the Preparatory Committee is expected to continue its discussion of crimes against humanity.

* *** *