

## What is Genocide? \*

### THE CRIME

The crime of genocide is defined in international law in the [Convention on the Prevention and Punishment of Genocide](#).

*Article 2 — “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.*

*Article 3 — “The following acts shall be punishable:*

- (a) Genocide;*
- (b) Conspiracy to commit genocide;*
- (c) Direct and public incitement to commit genocide;*
- (d) Attempt to commit genocide;*
- (e) Complicity in genocide.”*

The Genocide Convention was adopted by the United Nations General Assembly on 9 December 1948. The Convention entered into force on 12 January 1951. More than 130 nations have ratified the Genocide Convention and over 70 nations have made provisions for the punishment of genocide in domestic criminal law. The text of Article II of the Genocide Convention was included as a crime in Article 6 of the 1998 Rome Statute of the International Criminal Court.

### THE PUNISHABLE ACTS

The following are genocidal acts when committed as part of a policy to destroy a group's existence:

***Killing members of the group*** includes direct killing and actions causing death.

***Causing serious bodily or mental harm*** includes inflicting trauma on members of the group through widespread torture, rape, sexual violence, forced or coerced use of drugs, and mutilation.

***Deliberately inflicting conditions of life calculated to destroy a group*** includes the deliberate deprivation of resources needed for the group's physical survival, such as clean

water, food, clothing, shelter or medical services. Deprivation of the means to sustain life can be imposed through confiscation of harvests, blockade of foodstuffs, detention in camps, forcible relocation or expulsion into deserts.

**Prevention of births** includes involuntary sterilization, forced abortion, prohibition of marriage, and long-term separation of men and women intended to prevent procreation.

**Forcible transfer of children** may be imposed by direct force or by through fear of violence, duress, detention, psychological oppression or other methods of coercion. The Convention on the Rights of the Child defines children as persons under the age of 14 years.

### **Genocidal acts need not kill or cause the death of members of a group.**

Causing serious bodily or mental harm, prevention of births and transfer of children are acts of genocide when committed as part of a policy to destroy a group's existence:

**It is a crime to plan or incite genocide, even before killing starts, and to aid or abet genocide:**

Criminal acts include conspiracy, direct and public incitement, attempts to commit genocide, and complicity in genocide.

### KEY TERMS

**The crime of genocide has two elements: intent and action.**

**"Intentional" means purposeful.** Intent can be proven directly from statements or orders. But more often, it must be inferred from a systematic pattern of coordinated acts.

**Intent is different from motive.** Whatever may be the motive for the crime (land expropriation, national security, territorial integrity, etc.,) if the perpetrators commit acts intended to destroy a group, even part of a group, it is genocide.

**The phrase "in whole or in part" is important.** Perpetrators need not intend to destroy the entire group. Destruction of only part of a group (such as its educated members, or members living in one region) is also genocide. Most authorities require intent to destroy a substantial number of group members — mass murder. But an individual criminal may be guilty of genocide even if he kills only one person, so long as he knew he was participating in a larger plan to destroy the group.

**The law protects four groups** – national, ethnical, racial or religious groups.

A **national group** means a set of individuals whose identity is defined by a common country of nationality or national origin.

An **ethnical group** is a set of individuals whose identity is defined by common cultural traditions, language or heritage.

A **racial group** means a set of individuals whose identity is defined by physical characteristics.

A **religious group** is a set of individuals whose identity is defined by common religious creeds, beliefs, doctrines, practices, or rituals.