

## INDEX

- Abkhazia, 552, 692  
 aboriginal peoples. *See* indigenous peoples  
 abortions, compulsory, 34, 40, 208, 309, 310  
 accession to Convention, 729–39  
 accomplice. *See* complicity  
 Achiume, Tendayi, 182  
 active personality jurisdiction, 489, 495–7, 508  
*actus reus*,  
   acts defined in Convention, 12, 229, 279–80  
   causing serious bodily or mental harm, 242  
   cultural genocide and, 298  
   ethnic cleansing and, 304  
   imposing measures to prevent births, 310, 313  
   inflicting conditions of life calculated to destroy group, 298  
   killing, 242, 250, 284, 288  
 Ad Hoc Committee (ECOSOC),  
   on complicity, 401  
   on cultural genocide, 282–3  
   debates in, 70–5  
   on official capacity defence, 433–4  
   preparation for, 67–9  
   on preparatory acts, 645  
*ad hoc* tribunals. *See* International Criminal Tribunals, International Residual Mechanism  
 Advisory Committee of Jurists, 21  
 Advisory Committee on Genocide Prevention, 699–700  
*Advisory Opinion on Reservations*, 3, 101, 146, 463, 511, 595, 729, 756, 760–4, 770, 773, 777–80, 783–5  
 Afghanistan, 545, 655, 662  
 African-Americans, 32, 251, 789  
 African Commission of Human and People's Rights, 561  
 African Court of Justice and Human Rights, 150, 471  
 African Union, 443, 519–20, 669, 721  
 Agius, Carmel, 375  
 Agreement for the Prosecution and Punishment of Major War Criminals. *See* London Charter  
 aiding and abetting, 217, 340, 408–18, 420, 423, 509, 555, 559  
   *See also* complicity  
*Akayesu case*  
   on bodily or mental harm, 292, 295, 708  
   on complicity, 408–9  
   on forcible transfer of children, 319  
   on groups, 166, 186, 192–4, 210, 287, 784  
   on incitement, 390  
   on knowledge, 216–17  
   on measures intended to prevent births, 310–11  
 Akhavan, Payam, 703  
 Al-Bashir, Omar, 144, 443, 557  
 Albania, 357, 507, 590, 626, 655, 657–9, 679, 734, 764, 765, 771  
 Alfaro, Ricardo J., 63, 129, 549–50  
 Algeria, 513, 619–20, 650–1, 655, 664, 764, 790  
 Alston, Philip, 713

- Alstötter case* (Justice trial), 2  
 Amann, Diane, 468  
 Ambos, Kai, 417, 450  
 American Convention on Human Rights, 5, 39–40, 48, 370, 581  
 amnesty, 21, 464, 471–3  
 Amnesty International, 312, 531, 561  
 Angola, 146, 616, 675–6, 737  
 Annan, Kofi, 697–8  
 Anraat, Frans van, 508  
 Antigua and Barbuda, 741  
 anti-Semitism, 36, 44, 391, 704  
 apartheid, 86, 93, 102–12, 131, 133, 168, 181, 251, 276, 316, 340, 347, 356, 406, 509–10, 614, 665, 674–7, 790  
   *See also* Convention on the Suppression and Punishment of the Crime of Apartheid  
 Arendt, Hannah, 486  
 Argentina  
   Eichmann kidnapping and, 510–11, 534–5  
   reservations by, 764, 769  
   on sovereign territories, 747  
 armed conflict, law of, 15, 27, 147, 335, 424, 787  
   *See also* Geneva Conventions; Hague Conventions  
 Armenia, 12, 16–21, 24, 120–3, 164, 363, 350, 394, 640–1, 649, 666–9, 693, 734, 737, 757  
*Arrest Warrant case*  
   on official capacity defence, 432, 798  
   on universal jurisdiction, 517  
 Arusha Peace Agreement (1993), 771  
 atrocity crimes, 8, 11, 455, 629  
 attempt to commit genocide, 394–8  
 Auschwitz, 36–7, 41–2, 308, 416–19, 456  
 Australia  
   drafting of Genocide Convention and, 64, 78–9, 604  
   forcible transfer of children in, 275, 322  
   objections by, 85, 444, 749, 770, 775  
   on preventive action, 380  
   on prosecution, 476  
   on sovereign territories, 747  
 Australian Human Rights and Equal Opportunity Commission, 275, 322  
 Austria, 18, 42, 110, 122, 507, 526, 734  
*aut dedere aut judicare*, 464–5, 527, 797  
 auto-genocide, 174–5  
 Avocats Sans Frontières, 499  
*Axis Rule in Occupied Europe*, 14, 25–8, 35, 50, 55, 154, 157, 161, 246, 308, 325, 446, 474  
   *See also* Lemkin, Raphael  
 Azerbaijan, 667–8, 689  
 Azkoul, Karim, 70, 75, 196  
 Bagaragaza, Michel, 482, 517  
 Bahamas, 741  
 Bahrain, 679, 764, 769, 772  
 Baldwin, Roger, 114  
 Bangladesh  
   groups defined in legislation of, 204, 499  
   International Crimes Tribunal, 498  
   *Pakistani Prisoners of War case* and, 498, 581–4  
   reservations by, 764  
 Banton, Michael, 180  
*barbarie*, crime of, 24, 155  
*Barcelona Traction case*, 101, 624  
 Barsegov, Juri G., 221–2, 276, 303  
 Bartos, Milan, 327  
 Basic Principles of a Convention on Genocide (Soviet Union)  
   on conspiracy, 366–7  
   creation of, 69  
   on disbanding racist organizations, 641–2  
   on groups, 197  
   on inflicting conditions of life calculated to destroy group, 299  
 Bassiouni, M. Cherif, 130–1, 255, 305, 537  
 Bavarian Appeals Chamber, 261  
 Beirut, 264, 648, 656–7, 660, 679  
 Belarus, 23, 655, 662, 735  
 Belgian Congo, 747  
 Belgium  
   on bodily or mental harm, 289  
   on complicity, 401–3

- on conspiracy, 367–8
- on cultural genocide, 330
- on denunciation, 751
- drafting of Genocide Convention and, 77, 79
- on extradition, 524–5, 528–9
- on groups, 79–80, 152, 199, 202, 210–11
- on incitement, 379–80
- on intent, 221
- on international criminal tribunals, 544–6, 567
- on ‘in whole or in part’ clause, 249
- objections by, 773, 775
- on prosecution, 475, 481
- on revisions, 753
- on sovereign territories, 747
- on state responsibility, 438
- state responsibility litigation of, 567–8, 590
- on superior orders defence, 449
- on universal jurisdiction, 495, 510, 517
- Bedjaoui, Mohamed, 664
- Ben Gurion, David, 486
- Bennouna, Mohamed, 573, 793
- Bernadotte, Folke, 65
- Best, Geoffrey, 446
- Biden, Joe, 793
- biological genocide, 67, 69, 95, 97, 233, 236, 282, 308–18, 327
- births, prevention of, 242, 308–17
- birth control, 105, 108, 310–11, 314–15
- Bizerta, 674
- Blagojević case*, 218, 338
  - on cultural genocide, 338
  - on knowledge, 218
- Blewitt, Graham, 555
- Bobu, Emil, 504
- bodily harm, 289–91, 296–7
- Bohemia, 33
- Bolivia
  - on forcible transfer of children, 320
  - on groups, 199
  - groups defined in legislation of, 178
- Borkum Island case*, 420
- Bormann, Martin, 38, 370
- Bosnia and Herzegovina
  - Constitutional Court, 596
  - ethnic cleansing in, 124, 126, 238, 263, 304, 346–7, 680
  - Human Rights Chamber, 505
  - objections by, 775
  - on responsibility to protect, 662
  - state responsibility litigation of, 581–2, 585–90
  - succession to Convention, 740–2
  - territorial jurisdiction prosecutions in, 311, 504–5
  - UN intervention and, 620, 666
  - War Crimes Chamber, 506
  - See also* International Criminal Tribunal for the former Yugoslavia
- Bosnia v. Serbia case*
  - on cultural genocide, 338
  - on groups, 167
  - as international tribunal, 553
  - on responsibility to protect, 621
  - on state responsibility, 49, 568, 577
- Botswana, 563, 737
- Bouhdiba, Abdulwahab, 175
- Boutros-Ghali, Boutros, xi, 625, 694
- Boven, Theo van, 537
- Branjina, 505
- Brazil
  - on cultural genocide, 331
  - on groups, 192, 200, 202
  - on incitement, 379
  - on international criminal tribunals, 548–9
  - on jurisdiction, 493
  - objections by, 775
  - territorial jurisdiction prosecutions in, 507–8
- Brđanin case*
  - on ethnic cleansing, 353
  - on groups, 162
- Brownlie, Ian, 305–6
- Brunei Darussaleem, 738
- Brunner, Alois, 526
- Bryce, James, 734
- Buber, Martin, 486
- Buchenwald, 656
- Buck, Pearl, 65
- Buchwald, Todd, 629
- Buddhists, persecution of, 189–91

- Bulgaria  
   on entry into force of Convention, 750  
   reservations by, 85, 749, 773  
 Burma, 513. *See also* Myanmar  
 Burundi, 125–6, 205, 382, 552, 624, 670,  
   676, 688, 695, 712, 715–16, 720,  
   740  
 Bush, George W., 519  
 Byelorussia, 777
- Caba, Sory, 673  
 Caires Batista Rosa, Ivo Nelson de, 559  
 Cairo Declaration (1995), 205  
 Calthorpe, Arthur, 19  
 Cambodia  
   auto-genocide in, 132, 175–6  
   Khmer Rouge prosecutions in, 165,  
     174, 177–9, 232, 428  
   territorial jurisdiction prosecutions  
     in, 208, 234, 489, 501, 662  
   UN intervention and, 150, 502, 691,  
     696  
 Cameroon, 534  
 Canada  
   on cultural genocide, 332, 343  
   definition of genocide in legislation  
     of, 5–6  
   on incitement, 385, 390  
   on international criminal tribunals,  
     147, 546  
   on state responsibility, 565, 568  
   state responsibility litigation of, 306,  
     590  
   UN intervention and, 660, 708  
   on universal jurisdiction, 514, 518  
 Canadian Royal Commission of  
   Inquiry, 527  
 Cançado Trindade, A. A., 243, 305, 594,  
   791  
 capital punishment, 20, 107, 113,  
   115–17, 482–7, 500, 506, 524,  
   526, 531–2, 534, 559–61  
 Carter, Jimmy, 12  
 Cassese, Antonio, 232, 452, 455–6  
 Cassin, René, 7, 75, 114, 621  
 castration, 34, 308  
 Cavallo, Miguel Angel, 7, 75, 114, 508,  
   621
- Ceausescu, Nicolae Andruta, 503–4  
*Čelebići case*, 399, 462  
 Central African Republic, 482, 738  
 Chad, 738  
 Chagos Islands, 747  
 Champetier de Ribes, Auguste, 34  
 Charette, Patrice de, 527  
 Chaumont, Charles, 484  
 Chea, Nuon, 428, 523  
 children. *See* Convention on Rights of  
   the Child; forcible transfer of  
   children  
 Chile, 46–7, 84, 113, 341, 379, 522, 546,  
   600  
 China  
   on *actus reus*, 284  
   on bodily or mental harm, 289–92  
   drafting of Genocide Convention  
     and, 63–79  
   on groups, 178, 196, 201  
   Hong Kong and, 745  
   on inflicting conditions of life  
     calculated to destroy group,  
       298  
   on ‘in whole or in part’ clause, 247  
   on measures intended to prevent  
     births, 309, 317  
   on motive, 272  
   objections by, 775  
   on ratification, 723, 727–8, 733  
   reservations by, 765  
   on sovereign territories, 747  
   on universal jurisdiction, 492  
 Churchill, Winston, 14  
 Civil Rights Congress, 671  
 Clinton, Bill, 625–6  
 coercion as defence, 453–8  
 Colombia, 204, 519, 667  
 command responsibility as act of  
   genocide, 424–8  
 Commission of Experts for Rwanda  
   (UN), 148  
 Commission of Experts for the former  
   Yugoslavia (UN)  
   on ethnic cleansing, 344, 347  
   on groups, 166  
   on ‘in part’ clause interpretation,  
     255–7

- on measures intended to prevent births, 323
- on motive, 273
- on universal jurisdiction, 515
- Commission of the Churches on International Affairs, 65
- Commission on Human Rights (UN), 44, 53–6, 60, 66–7, 74, 77, 102–5, 108–15, 118–22, 126, 148, 166, 175, 205, 334, 341, 345–9, 508, 526, 537, 581, 620, 662, 665, 697, 704–7, 710–16, 734–5
- Committee on International Criminal Jurisdiction (UN), 551
- Commission on Narcotic Drugs (UN), 75
- Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, 17, 18, 28
- Committee on the Elimination of Racial Discrimination, 171, 180, 182, 239, 393, 644, 648, 718–21, 736, 788
- Committee on the Progressive Development of International Law and Its Codification, 35, 55, 59, 60, 327, 539
- complicity, 398–424
  - common purpose complicity, 404–5, 417
  - drafting history, 400–3
  - forms of, 408–12
  - joint criminal enterprise, 417–18
  - mens rea* of, 412–14
  - in other instruments, 403–5
  - problems of application, 418–24
- compulsion as defence, 453–6
- compulsory abortions, 34, 40, 208, 309, 310
- conditions of life calculated to destroy group, 297–308
- Conference on Security and Co-operation in Europe, 145
- Conferences on the Unification of Criminal Law, 23
- Congo, Republic of, 675, 737. *See also* Democratic Republic of Congo
- conspiracy, 366–76
- Consultative Council of Jewish Organizations, 65, 128, 202
- Control Council Law No. 10, 38–40, 396, 399, 446–7
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 399, 514, 532, 611
- Convention on the Elimination of All Forms of Racial Discrimination
  - on disbanding racist organizations, 644
  - on groups, 157, 168, 171, 180, 184
  - on hate propaganda, 639
  - preventive actions of, 718–21
  - See also* Committee on the Elimination of Racial Discrimination
- Convention for the Prevention and Punishment of Terrorism, 600
- Convention for the Suppression of Counterfeit Currency, 646
- Convention for the Suppression of Terrorist Bombings, 371
- Convention on the Rights of the Child, 319, 798–9
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 110–12, 227
- Convention on the Prevention and Punishment of the Crime of Genocide
  - Preamble, 14, 52, 53, 56, 62, 69–71, 78–83, 101, 219, 220, 602, 605, 613–21, 665, 757, 782–3
  - Article I, 4, 46, 56, 78, 81, 122, 364, 465, 576–8, 586, 597, 603–21, 623, 627, 630, 632, 633, 757, 759, 796, 798
  - Article II, xi, 12, 46, 49, 50, 57, 83, 88, 89, 91, 94, 96–8, 100, 106, 135–6, 139–40, 143–4, 146, 149, 150, 152–324, 338, 344, 363, 478–80, 482, 510, 524, 529, 556, 562, 572–3, 597, 600, 604, 651, 661, 679, 686, 707, 710, 713, 722–4, 728, 767, 788, 792

- Convention on the Prevention and Punishment of the Crime of Genocide (cont.)
- Article II(a), 242, 286–8, 362, 572, 712
  - Article II(b), 236, 242, 289–97, 338, 712
  - Article II(c), 280, 297–308, 351, 591
  - Article II(d), 308–17
  - Article II(e), 159, 275, 317–24, 342
  - Article III, 12, 46, 57, 96–8, 136, 138, 140, 149, 279, 280, 332, 363–428, 480, 513, 524, 529, 553, 556, 562, 578–80, 598, 636, 739, 762
  - Article III(b), 141, 280, 366–76
  - Article III(c), 140, 280, 376–94
  - Article III(d), 280, 394–8, 644
  - Article III(e), 280, 376, 398–424, 574
  - Article IV, 46, 57, 137, 363, 430–8, 441–4, 464–7, 469, 472, 772
  - Article V, 57, 363, 430, 464–5, 469, 473–88, 526, 545, 562, 638, 774
  - Article VI, 74, 99, 118, 124–5, 129–33, 148, 280, 363, 464–6, 469, 473–4, 488–97, 510–17, 538, 544–53, 558, 562, 565–7, 583, 768, 797–8
  - Article VII, 363, 464–5, 523–33, 544, 562, 763, 767–8, 798
  - Article VIII, 125, 280, 363, 598, 603–6, 613–22, 633, 648, 651, 684, 712, 763
  - Article IX, 12, 243–4, 363, 529, 558, 562–70, 574–97, 616, 743–5, 752, 762, 764–87, 794
  - Article X, 729
  - Article XI, 84, 722, 729, 768–9
  - Article XII, 600, 729, 734, 736, 745, 747–8, 754, 768–9
  - Article XIII, 84–5, 729, 749–50, 754
  - Article XIV, 750–1
  - Article XV, 752, 754
  - Article XVI, 723, 725, 753–4
  - Article XVII, 754
  - Article XVIII, 754
  - Article XIX, 754, 756
  - Convention on the Status of Refugees, 127–9
  - Convention on the Suppression and Punishment of the Crime of Apartheid, 105, 181, 276, 400, 614
  - Cook Islands, 737
  - Coomaraswamy, Radhika, 716
  - Corell, Hans, 145
  - Costa Rica, 83–4, 204, 340, 749
  - Côte d'Ivoire, 702
  - Cotler, Irwin, 359
  - Covenant on Civil and Political Rights, 86, 113–17, 157, 184, 334, 467, 531, 639
  - Covenant on Economic, Social and Cultural Rights, 113, 157, 184
  - COVID-19, 707
  - Crawford, James, 134
  - crimes against humanity
    - Draft Code of Crimes and, 88–94, 98, 226
  - drafting of Genocide Convention
    - and, 53, 56, 59, 63, 65, 68, 70–1, 80–1, 86, 134
  - in hierarchy of international crimes, 149, 199, 208, 800
  - knowledge requirement for, 87
  - in Nuremberg cases, 40–2
  - prosecution of Nazis under, 25, 29, 32, 39
  - scope of, 10–11, 31–2
  - criminal organization. *See* joint criminal enterprise
  - criminal tribunals. *See specific tribunals*
  - Croatia
    - objections by, 775
    - state responsibility litigation of, 620
    - succession to Convention, 741, 744, 766
    - territorial jurisdiction prosecutions in, 505
    - UN intervention and, 707
  - Croatia v. Serbia case*, 236–7, 241–3, 286, 301, 304, 313, 318, 338, 355, 376, 386, 582, 593–4, 791

- Cuba  
   drafting of Genocide Convention  
     and, 63, 64  
   General Assembly Resolution 96 (I)  
     and, 44–5, 47, 789  
   on hate propaganda, 380, 638  
   on intent, 221  
   on international criminal tribunals,  
     544  
   objections by, 775, 777  
   on UN intervention, 702  
 cultural genocide  
   *actus reus* of, 325–44  
   exclusion from Convention, 95, 234,  
     236, 282–3, 328–34, 338  
   forcible transfer of children as, 317–18  
   in Secretariat draft, 57, 67, 72, 282,  
     326–7  
   Shawcross on, 77  
   specific intent and, 340  
   Whitaker on, 123  
 customary law, 3–4, 6, 11, 48, 50, 94, 99,  
   136, 144–7, 153, 192–5, 204,  
   212, 286, 335, 338, 353, 360,  
   399, 417, 432, 439, 441–3, 455,  
   460, 466–7, 474, 483, 497, 509,  
   512–19, 542, 563, 576, 611, 622,  
   632, 634, 714, 731, 739, 754,  
   756, 790, 797–9  
 Cyprus  
   objections by, 445, 774–5  
   on reservations, 764  
   UN intervention and, 619  
 Czechoslovakia  
   on drafting of Convention, 79, 82, 448  
   on international criminal tribunals,  
     548  
   reservations by, 765–6, 770–1, 777  
 Czech Republic  
   succession to Convention, 741  
   on UN intervention, 682–4  
 Dachau, 422, 656  
 Dallaire, Roméo, 693–4  
 Damjanovic, Sretko, 504–5  
 Darfur, 12, 610, 671, 689, 696, 713, 719  
   *See also* International Commission  
     of Inquiry on Darfur  
 David, Eric, 466  
 Dayton Agreement (1995), 505–6, 553,  
   588, 743  
 death penalty. *See* capital punishment  
 Declaration on the Rights of  
   Indigenous Peoples, 150, 341  
 Declaration on National or Ethnic,  
   Religious and Linguistic  
   Minorities, 151, 181  
 defences,  
   compulsion, 453–6  
   duress, 451–6  
   insanity, 461–2  
   intoxication, 461  
   military necessity, 459–60  
   mistake of law or fact, 429, 458–60  
   official capacity, 431–45  
   of property, 457  
   reprisal, 429, 459–60  
   self-defence, 457–8  
   superior orders, 445–53  
   *tu quoque*, 460–1  
 Degni-Segui, René, 390, 714–15  
 Demjanjuk, John, 516  
 democide, 359  
 Democratic Kampuchea, 245, 663, 768  
 Democratic Republic of the Congo  
   state responsibility litigation of, 482  
   succession to Convention, 741, 747  
   UN intervention and, 672–4, 684,  
     693, 695–6, 716  
   on universal jurisdiction, 517  
*Democratic Republic of the Congo*  
   *v. Rwanda case*, 594–5, 772–3,  
   779–81  
 Democratic Republic of Viet Nam, 744  
 denationalization  
   Lemkin on, 42  
   national tribunals and, 42  
   in WW1, 229  
 Deng, Francis, 700–1  
 denial of Holocaust, 393–4, 640–2  
 Denmark  
   on conspiracy, 367  
   drafting of Genocide Convention  
     and, 64, 66, 603  
   on freedom of expression, 380  
   objections by, 477, 774

- denunciation of Convention, 750–2
- deportation, 94–5, 257, 303–4, 345, 352, 354, 357, 460, 714, 792
- depository functions and responsibilities, 727, 754–6
- Der Stürmer*, 37
- Descamps, Baron, 21
- Deschênes, Jules, 527
- Des Forges, Alison, 685
- Dihigo, Ernesto, 45
- Dinca, Ion, 504
- direct and public incitement, 376–94
- Djibouti, 563, 737
- domicide, 359
- discrimination, racial. *See* Committee on the Elimination of Racial Discrimination; Convention on the Elimination of All Forms of Racial Discrimination
- dolus specialis*. *See* specific intent
- Dominican Republic
  - drafting of Genocide Convention and, 77
  - on groups, 198, 202
  - on incitement, 379–80
  - on ratification, 731
  - on reservations, 761–2
  - on state responsibility, 565
- Donetsk, 596–7, 630
- Donnedieu de Vabres, Henri
  - on cultural genocide, 57, 326–7
  - drafting of Genocide Convention and, 35, 55–6
  - on groups, 168, 196
  - on international criminal tribunals, 433
  - on official capacity defence, 433
- double criminality requirement for extradition, 530
- Draft Articles on State Responsibility, 88, 100, 102, 411, 611
- Draft Code of Crimes Against the Peace and Security of Mankind
  - on *actus reus*, 234
  - on attempt, 395–8
  - on complicity, 404–5, 415
  - on defences, 431
  - drafting of, 87–99
  - on duty to prosecute or extradite, 466, 522
  - on groups, 165, 185, 211
  - on incitement, 382
  - on ‘other acts’, 140, 364
  - on superior orders defence, 450–1
  - on universal jurisdiction, 516
- Draft Convention for the Establishment of a United Nations War Crimes Court, 29
- Drost, Pieter, 153
- Dugard, John, 780
- Dulles, John Foster, 732
- Durban Declaration and Programme of Action, 181, 756
- duress as defence, 451–6
- duty to prosecute or extradite, 464–6, 519, 527, 797
- ecocide, 123, 340, 358–9, 692
- Economic and Social Council (ECOSOC), 44, 46, 48, 54–7, 60, 64, 66–77, 118–19, 122, 126, 175, 203, 539, 615–17, 666, 704, 707, 730, 734–5, 753
  - See also* Ad Hoc Committee
- economic groups, 152, 155, 168, 174, 176, 191, 193, 197, 199, 207–9
- Ecuador
  - on groups, 200
  - on international criminal tribunals, 565
  - on measures to prevent births, 315
  - objections by, 85, 749
  - on sovereign territories, 747, 769, 771
  - on superior orders defence, 449
- Eden, Anthony, 28
- educide, 360
- Egypt
  - on conspiracy, 367
  - on cultural genocide, 331
  - on disbanding racist organizations, 643
  - drafting of Genocide Convention and, 46, 62, 63, 64, 75, 79, 80
  - on groups, 169, 188, 192, 200, 202, 653



- on hate propaganda, 638
- on intent, 221
- on international criminal tribunals, 546
- on 'in whole or in part' clause, 249
- on jurisdiction, 493, 495
- on sovereign territories, 746
- on state responsibility, 565
- Eichmann, Adolf
  - kidnapping of, 121, 510, 534–5
  - measures intended to prevent births used by, 314
- Eichmann case*
  - on bodily or mental harm, 291
  - capital punishment and, 485–7
  - on complicity, 406
  - on duress, compulsion and coercion, 455
  - on ethnic cleansing, 230, 356–7
  - on inflicting conditions of life
    - calculated to destroy group, 302
  - on intent, 215
  - on official capacity defence, 440
  - statutory limitation and, 44, 69
- Eighth International Conference of American States (1938), 22
- Einsatzgruppen case*, ix, x, 39, 161, 451, 454, 460
- ejusdem generis* approach, 191, 210
- Elements of Crimes,
  - on *actus reus*, 142, 144, 229
  - drafting of, 135, 141–4
  - on forcible transfer of children, 319–20
  - on inflicting conditions of life
    - calculated to destroy group, 301
  - on knowledge, 216–17
  - on *mens rea* of killing, 286
  - on mistake of law or fact, 429, 458–60
- El Salvador, 83–4, 267, 518, 652, 668, 749
- epistemicide, 359
- Erdemović case*, 452, 455–6
- erga omnes*, 102, 461, 572, 595–7, 612, 624, 780
- Ermacora, Felix, 121–2
- Eser, Albin, 456
- Estonia, 477, 633, 737, 774, 795
- Eswatini, 563, 737
- Etchecolatz, Miguel Angel, 508
- Ethiopia
  - on entry into force of Convention, 84, 749
  - groups defined in legislation of, 204
  - territorial jurisdiction prosecutions in, 504
- ethnic cleansing
  - actus reus* of, 344–58
  - in Bosnia and Herzegovina, 146, 304
  - state responsibility litigation and, 585, 590, 593–4
- ethnic groups, 183–7
- ethnocide, 123, 340–2 *see also* cultural genocide
- European Commission for Democracy through Law, 172
- European Convention on Human Rights, 505, 506
- European Convention on the Non-Applicability of Statutory Limitations, 112, 468
- European Court of Human Rights, 50, 195, 259, 457, 519, 748
- Evans, Anthony, 529
- Evans, Gareth, 701
- Evatt, Herbert, 725–6
- executions. *See* capital punishment; extrajudicial, summary or arbitrary executions
- expression, freedom of. *See* freedom of speech and expression
- extradition, exceptions to, 441, 465–6, 492, 508, 516, 522–36
- extrajudicial, summary or arbitrary executions, 711
- Extraordinary Chambers of the Courts of Cambodia, 8, 150, 165, 175–8, 182, 186, 190, 232, 234, 244, 265, 270, 428, 472, 489, 501–3, 696
- Falkland Islands, 747
- Federal Constitutional Court of Germany, 235, 261, 354
- femicide, feminicide, 360
- Ferencz, Benjamin, x

- Fifth International Conference for the Unification of Penal Law (1933), 24, 154
- Fiji, 741
- 'final solution', ix, 37, 229, 230, 314, 356, 406, 656
- Finland, 445, 477, 514, 521, 619, 660, 734, 767, 771–6
- Fitzmaurice, Gerald, 82, 285, 379, 401, 529, 544, 564, 638, 745–6
- Five Point Action Plan, 705–6
- Fletcher, George, 363
- Fomba, Salifou, 382, 686
- forced displacement, 104, 242, 304, 318, 355–6, 792
- See also* deportation
- forcible transfer of children, 317–24
- France
- on conspiracy, 367–8
  - on cultural genocide, 327–30
  - on disbanding racist organizations, 643
  - drafting of Genocide Convention and, 52–3, 59–66, 69–84
  - on effective penalties, 483–4
  - on extradition of nationals, 528
  - General Assembly Resolution 96 (I) and, 47, 49
  - genocide defined in legislation of, 5
  - groups defined in legislation of, 178
  - on hate propaganda, 637, 642
  - on incitement, 378–80
  - on inflicting conditions of life calculated to destroy group, 299
  - on intent, 221, 241, 243
  - on international criminal tribunals, 146, 491, 538, 542–3, 546–50
  - on 'in whole or in part' clause, 247, 249
  - on jurisdiction, 494
  - on *mens rea* of killing, 285
  - on motive, 196, 267
  - on official capacity defence, 433–8
  - on preventive action, 602, 604, 618, 685
  - on prosecution of Nazi war criminals, 32
  - on state responsibility, 563–4, 567
  - state responsibility litigation of, 590
- Francis, Pope, 343
- Frank, Hans, 34–8
- freedom of speech and expression hate propaganda and, incitement and, 377–8, 380, 383, 393–4
- freedom of the press, 283, 379–80, 636–7
- Frick, Wilhelm, 38, 370
- Fritzche, Hans, 38, 391–2
- Funk, Walter, 48
- Furundžija case*, 99, 415, 421
- gacaca* jurisdictions, 472, 500
- Gacumbitsi case*, 407
- Gaja, Giorgio, 614
- Gallant, Yoav, 239, 720
- Gambia v. Myanmar case*, 243, 596, 617, 791, 796
- Garzón, Baltasar, 189, 211, 213
- gas, poison, 416, 674
- Gaza, 239, 393, 458, 582, 597, 654, 677, 704, 717, 796
- gender, 209–10, 288, 295–6, 323, 342, 480, 661
- gendercide, 360
- General Assembly (UN)
- Resolution, 95 (I), 51–3, 659
  - Resolution 96 (I), 7, 39, 44–54, 56–8, 61, 79–82, 89, 98, 102, 152, 155, 157, 167, 169, 178, 183, 187, 191, 194–7, 200, 202, 210, 212, 222, 246, 271, 275, 282, 329, 331, 400, 403, 433, 470, 490, 511, 541, 599, 621, 642, 659, 757, 782
  - Resolution 180 (II), 64, 65, 68, 71
  - Resolution 260 (III), 130
- Geneva Conventions
- on command responsibility, 424
  - duty to try or extradite, 465
- Genocide Convention Implementation Act (US), 292
- Germany
- on ethnic cleansing, 344, 354, 356
  - on extradition, 530
  - state responsibility litigation of, 590

- on UN intervention, 621
- on universal jurisdiction, 521, 555
- Versailles and Leipzig trials and, 19
- Giraud, Henri, 271
- Glaser, Stéfan, 170, 179, 185
- Goa, 668
- Goering, Hermann, 38
- Goeth, Amon Leopold, 42, 326
- Gollancz, Victor, 486
- Graven, Jean, 504, 647
- Great Britain. *See* United Kingdom
- Greece
  - on forcible transfer of children, 317–18
  - objections by, 445, 477, 773–5
  - on reservations, 763–4
- Greek Cypriots, 665
- Greifelt, Ulrich, 325
- Greiser, Arthur, 41, 326, 497
- Grenada, 738
- Gromyko, Andrey, 64
- Gross, Ernest A., 77, 333
- Grotius, Hugo, 466, 512
- Group of Experts for Cambodia, 189–90
- groups, 152–212
  - defined, 157–9
  - economic, 207–9
  - ethnic, 183–7
  - gender, 209–10
  - linguistic, 209
  - listed in Convention, 160–9
  - national, 169–78
  - racial, 178–83
  - religious, 187–91
  - social, 207–9
  - stable and permanent requirement, 192–4, 784
- Guatemala, 84–5, 91, 522, 527, 581, 749
- Guatemalan Commission for
  - Historical Clarification, 231, 304–5
- Guerrero, José Gustavo, 785
- Guinea-Bissau, 563
- Guissé, El Hadji, 124
- Güney, Mehmet, 407
- Gypsies, 33, 41, 44, 164, 505, 512
- Hadon, A. C., 185
- Hague Conventions (1899, 1907)
  - on civilians, 4–15
  - on cultural genocide, 335
  - Lemkin on, 27
  - preamble, 15–16, 21
- Hague Convention for the Protection of
  - Cultural Property in the Event of Armed Conflict, 335
- Hailemariam, Mengistu, 504
- Haiti
  - drafting of Genocide Convention and, 61, 66
  - on groups, 183
  - on hate propaganda, 380, 637
  - on intent, 221
  - on international criminal tribunals, 544
  - on state Implementation Act responsibility, 567–8
- Halabja, 508
- Hammarckjöld, Dag, 672–3
- Hannay, David, 346, 683
- Hartmann, Michael, 507
- Harun, Ahmed, 557
- Herak, Borislav, 404–5
- Herriot, Edouard, 65
- Hess, Rudolph, 38
- Higgins, Rosalyn, 773, 780–1
- High Commissioner for Human Rights
  - on capital punishment, 485, 561
  - preventive actions, 697, 705
  - on Rwanda, 697, 705
- High Commissioner on National Minorities, 163
- High Commissioner for Refugees, 127, 129
- High Level Panel on Threats, Challenges and Change, 627, 683–4
- Himmler, Heinrich, 37, 321, 326
- Hitler, Adolf, 1, 22, 28, 34, 37, 127, 229, 351, 357, 400, 637, 654, 678
  - See also* Nazis
- Hoare, Samuel, 115–16
- Holloway, Kay, 21
- Holocaust
  - denial of, 393–4, 640–2
  - International Day of
    - Commemoration in memory of the victims of, 670
  - See also* Nazis; Nuremberg cases
- Holodomor, 649, 693
- Holy See, 736

- homicide
  - as individual crime, 7, 12, 45
  - mens rea* of, 213, 285
- Hong Kong, 745
- Höss, Rudolph, 37, 41
- Huber, Max, 350
- Hughes, Emrys, 362
- humanitarian intervention, 15, 583, 590, 622–34, 685
- human rights
  - European law on, 50
  - international law for, 2–7
  - legal development of, 15, 113–17
  - rights of accused, 483–4
  - See also* freedom of speech and expression
- Human Rights and Equal Opportunity Commission (Australia), 275
- Human Rights Committee
  - on groups, 168, 334
  - on incitement, 393, 641
  - death penalty*, 117
- Human Rights Council, 342, 596, 629, 648, 704–17, 731, 738, 758, 793
- Human Rights Watch, 501, 531
- Humphrey, John P., 23, 55, 70, 76
- Hungary
  - reservations by, 771, 777
  - charges of genocide, 655, 658
- Hurst, Cecil, 30
- Hussein, Saddam, 507–8, 557
- Hutus, 160
- Huxley, Aldous, 65
- Huxley, Julian, 185
- hybrid tribunals, 489, 552
  
- Idris, Kamil, 97
- Ikramullah, Shaista S., 582
- immunity, 431–44, 473, 798
- incitement. *See* direct and public incitement
- Independent International Commission on Kosovo, 626
- Independent Investigative Mechanism for Myanmar, 717
- India
  - allegations of genocide, 188, 651–2, 668, 671–2, 675–6
  - on bodily or mental harm, 289–92
  - drafting of Genocide Convention and, 166, 494–5, 548
  - General Assembly Resolution 96 (I) and, 44, 46, 47
  - on jurisdiction, 444, 548
  - on official capacity defence, 436
  - reservations by, 584
  - state responsibility litigation of, 498, 581–4
  - territorial jurisdiction and, 493–6
- indigenous peoples, 126, 150–1, 165, 331, 334, 341–2, 581, 708–9
- Indonesia, 668, 671, 734, 738, 790
- inherent jurisdiction, 133, 139
- ‘in part’ clause interpretations, 246–65
- insanity as defence, 461–2
- instigation. *See* direct and public incitement
- Institut de Droit International, 350, 519
- Inter-American Commission on Human Rights, 204, 581
- Inter-American Court of Human Rights, 305, 581
- International Association of Democratic Lawyers, 671
- International Association of Penal Law, 21
- International Commission of Inquiry on Darfur
  - on groups, 162–5, 193–4
  - on hierarchy of international crimes, 11, 801
  - on knowledge, 580–1
- International Congress on Penal Law, 24
- International Court of Justice
  - on duty to prosecute or extradite, 466
  - on General Assembly Resolution 96 (I), 54
  - on groups, 163, 167, 170–1, 174, 184, 202
  - on ‘in part’ clause interpretation, 253, 260–1
  - on international criminal tribunals, 148
  - interpretation of Convention by, 3
  - on jurisdiction, 575–6
  - on measures intended to prevent births, 311, 313
  - on nuclear weapons, 360–2

- on objections, 775
- on reservations, 777–81
- on responsibility to protect, 630–5
- sources of international law, 3
- on specific intent, 214–15, 236–7, 243
- on state responsibility, 365, 581–97
- on succession, 741–5
- on universal jurisdiction, 517
- International Criminal Court
  - Assembly of States Parties, 141, 143, 294
  - on bodily or mental harm, 293, 295–6
  - creation of, 99, 129–45, 538–51
  - on defences, 429, 439, 449, 455
  - establishment and practice of, 556–7
  - on intent, 253
  - on negligence, 459
  - on ‘other acts’, 364, 405
  - on specific intent, 215, 223
  - Office of the Prosecutor, 342
  - See also* Elements of Crimes; Rome Statute of the International Criminal Court
- International Criminal Tribunal for Rwanda
  - on acts of omission, 280
  - on bodily or mental harm, 290–5
  - on complicity, 217, 407–9, 414, 418, 424
  - on conspiracy, 372, 374
  - creation of, 463, 554, 560
  - on crimes against humanity, 208
  - definition of genocide in, 149
  - ethnic cleansing and, 352
  - extradition and, 482
  - on forcible transfer of children, 319
  - on groups, 160–1, 166, 170, 178, 186, 188, 192–4, 206, 210
  - on incitement, 384, 388–91
  - on inflicting conditions of life calculated to destroy group, 297–8
  - on ‘in part’ clause interpretation, 253
  - on interpretation of Convention, 785–6
  - on knowledge, 216
  - on measures intended to prevent births, 310–11
  - on motive, 274
  - on official capacity defence, 441
  - penalties imposed by, 559, 561
  - on proof of intent, 224
- International Criminal Tribunal for the former Yugoslavia
  - Article VI of Convention and, 147–8, 352–3
  - on bodily or mental harm, 291, 294, 296
  - on Bosnian Muslims as national group, 174
  - on command responsibility, 424–6
  - on complicity, 399–400, 403, 406–7, 413, 415
  - on conspiracy, 366
  - on crimes against humanity, 790
  - on cultural genocide, 235–6, 304, 338–9
  - definition of genocide in, 290
  - establishment and practice of, 124, 555, 594
  - on ethnic cleansing, 345, 352–3, 358
  - on forcible transfer of children, 291
  - on groups, 162–5, 206
  - on incitement, 383
  - on inflicting conditions of life calculated to destroy group, 302
  - on ‘in part’ clause interpretation, 253–4
  - on interpretation of Convention, 785, 792
  - on knowledge, 216
  - on measures intended to prevent births, 312, 323
  - on *mens rea* of inflicting conditions of life calculated to destroy group, 287
  - on *mens rea* of killing, 287
  - on motive, 275–8
  - on official capacity defence, 439
  - penalties imposed by, 558–9
  - on premeditation, 224
  - on reprisal defence, 429, 459–60
  - on specific intent, 218, 240

- International Criminal Tribunal for the former Yugoslavia (cont.)  
     on superior orders defence, 452
- International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, 670
- International Day of Commemoration in memory of the victims of the Holocaust, 670
- International Day of Reflection on the 1994 Genocide in Rwanda, 669, 697
- International, Impartial and Independent Mechanism for Syria, 717
- International Law Association, 21
- International Law Commission and drafting of Genocide Convention, 55, 59, 61–4, 67–70, 77–8, 81, 86–7  
     *See also* Draft Code of Crimes Against the Peace and Security of Mankind; Draft Articles on State Responsibility
- International Military Tribunal (IMT), 14, 25, 31–8, 43, 51–2, 61–2, 71, 88, 127–8, 161, 180, 225, 283, 369–70, 391, 399, 422, 432, 446, 448, 451–2, 471, 484, 539, 571, 789
- International Military Tribunal for the Far East, 180
- International Residual Mechanism for International Criminal Tribunals, 8, 264, 552–3
- Intertemporality, 758
- intoxication as defence, 461
- ‘in whole or in part’ clause, 246–65
- Iran  
     on complicity, 401–2  
     on cultural genocide, 330  
     on groups, 198–202  
     on hate propaganda, 638  
     on incitement, 380  
     on international criminal tribunals, 546–7  
     on jurisdiction, 465–6, 492–4  
     on sovereign territories, 746
- Iraq, 323, 507–8, 599, 616, 622, 627, 650, 652–5, 661, 678, 690, 692, 713, 717–20  
     Iraqi High Tribunal, 507
- Ireland, 139, 477, 613, 734, 737, 774
- Islamic State, 244, 296, 305, 313, 323
- Israel  
     capital punishment in, 115, 485–7  
     Eichmann kidnapping by, 534–5  
     ethnic cleansing and, 350, 356–7  
     on forcible transfer of children, 319–20  
     on groups, 160, 179  
     on superior orders defence, 449  
     on UN intervention, 526  
     on universal jurisdiction, 510, 513, 516  
     *See also* Eichmann case
- Italy  
     objections by, 477, 774  
     state responsibility litigation of, 590  
     on universal jurisdiction, 514
- Jackson, Robert, 31, 32, 180, 789
- Jahangir, Asma, 713
- Jamaica, 387
- Jang Zemin, 522
- Janjaweed, 557
- Japan, 29, 75, 135, 180, 290, 382, 398, 447, 539, 563, 571, 664, 734
- Jelisić case*  
     on groups, 162  
     on ‘in part’ clause interpretation, 256, 261  
     on knowledge, 224
- Jescheck, Hans-Heinrich, 615
- Jevremovic, Branko, 113
- Jews, 23, 26–42, 158, 161, 167, 175, 179, 229, 260, 280, 299, 308, 314, 326, 328, 344, 356–7, 369, 391–3, 406, 460, 510, 512, 535, 640, 653, 661
- Joinet, Louis, 124, 152
- joint criminal enterprise, 217, 403–5, 417–18, 428, 503
- jus cogens*, 4, 88, 101, 572, 595, 599, 626, 780

- Kambanda case*  
   on *actus reus*, 280  
   on incitement, 390  
   interpretation of Convention and, 783  
   on official capacity defence, 441  
*Kampala Review Conference*, 628–9  
*Karadžić and Mladić case*, 230, 323,  
   339, 345, 357  
*Karadžić case*, 217, 238–9, 263, 294, 559  
*Karamira*, Froduald, xi, 533–4  
*Kasai*, 672  
*Katyn massacre*, 693  
*Kayishema and Ruzindana case*  
   on groups, 161, 188  
   on ‘in part’ clause interpretation, 253  
   on interpretation of Convention, 785  
*Keating*, Colin, 346, 682, 684  
*Keitel*, Wilhelm, 38  
*Keith*, Kenneth, 412, 575, 610  
*Kenya*, 482, 563, 739, 757  
*Kerno*, Ivan, 90, 387–8  
*Khan*, Ibrahim, 724  
*Khan*, Karim, 718  
*Khmer Rouge*  
   auto-genocide by, 175  
   economic genocide by, 208  
   religious persecution by, 189–90  
   UN intervention and, 150  
*Khojaly*, 667, 689  
*killing*, 285–8  
   *mens rea* of, 287  
   See also homicide  
*King*, Henry, 43  
*Kiribati*, 738  
*Knin*, 593  
*knowledge*,  
   complicity and, 215–18, 223, 228–30,  
   406, 411–16, 423, 458–9  
*Koh*, Harold, 629  
*Koo*, Wellington, 63, 68  
*Koroma*, Abdul G., 361, 517, 579, 781  
*Kosovo*  
   ethnic cleansing in, 344, 352, 357  
   NATO bombing of, 582, 590, 625–6  
   responsibility to protect and, 626–7  
   territorial jurisdiction prosecutions  
   in, 552  
   UN Mission in Kosovo, 557  
*Kovanda*, Karel, 682  
*Krajisnik case*, 337  
*Kremnitzer*, Mordechai, 7  
*Kreß*, Claus, 244  
*Krishnaswami*, Arcot, 118, 696  
*Krstić case*  
   on bodily or mental harm, 294  
   on Bosnian Muslims as national  
   group, 174  
   on complicity, 407, 412, 414  
   on cultural genocide, 336–40  
   on ethnic cleansing, 353, 358  
   on ‘in part’ clause interpretation, 257,  
   261, 264  
   interpretation of Convention in, 782,  
   784  
   on knowledge, 217, 413, 580  
   on specific intent, 260  
*Krupp case*, 454  
*Kunarac case*, 223  
*Kuper*, Leo, 254  
*Kurdish peoples*, 507–8, 616, 622,  
   652–4, 714  
*Lachs*, Manfred  
   on *actus reus*, 280  
   on forcible transfer of children, 318  
   on groups, 199  
   on incitement, 380  
   on international criminal tribunals, 545  
   on preventive action, 604  
   on superior orders defence, 448  
*Lacouture*, Jean, 175  
*Language*  
   Chinese version, 723–8  
   of Convention, 722–8  
   groups defined by, 22, 26, 172–4,  
   183, 185–6, 209  
*Lansing*, Robert, 17  
*Laugier*, Henri, 53, 70  
*Lauterpacht*, Elihu, 345, 354, 606,  
   623–4, 626, 783  
*Lauterpacht*, Hersch, 22, 333  
*Lautz*, Ernst, 40  
*Lawrence*, Geoffrey, 180  
*League of Arab States*, 656–9  
*League of Nations*, 21–3, 172, 538, 540,  
   600, 755

- Lebanon  
   on cultural genocide, 329–30  
   drafting of Genocide Convention  
     and, 66, 70–5  
   on groups, 196, 202  
   on hate propaganda, 378, 637  
   on motive, 266, 272  
   on superior orders defence, 447  
*Legality of Use of Force cases*, 274, 575, 590–3
- Leipzig trials, 19, 445
- Lemkin, Raphael  
   on *actus reus*, 281  
   drafting of Genocide Convention  
     and, 23, 51, 55  
   on groups, 26, 49, 50, 57, 154, 155, 157, 165, 167, 168, 195, 207  
   on ‘in part’ clause interpretation, 246, 251  
   on international criminal tribunals, 58, 539–41  
   minorities treaties and, 27–8, 155, 167, 172  
   on national legislation, 474  
   on Nuremberg trial, 35, 43  
   on peacetime genocide, 35, 51, 789  
   on preventive action, 601  
   on reparations, 536  
   on superior orders defence, 446  
   on universal jurisdiction, 28, 489
- Lerner, Natan, 158
- Ley, Robert, 280
- linguistic groups, 22, 26, 172–4, 183, 185–6, 209
- Li-Ping, 522
- Lippmann, Matthew, 268
- Lithuania, 50, 174, 177, 204, 208, 259, 615
- litigation. *See* prosecution; *specific cases*
- Ljubljana – The Hague Convention on International Cooperation, 520
- Lloyd, Tony, 441
- London Charter, 127–8
- London Conference, 31, 218, 789
- Loutfi, Omar, 75
- Lowe, Vaughan, 458, 557
- Lubanga, Thomas, 557
- Luck, Edward, 701–2
- Luhansk, 596–7, 630
- Lumumba, Patrice, To, 672–4, 693
- Macao, 745, 747
- Macedonia, 18, 357
- Madagascar, 563, 655–6, 738
- Maktos, John  
   on conspiracy, 367  
   on cultural genocide, 328  
   drafting of Genocide Convention  
     and, 70, 72, 79  
   on groups, 197  
   on international criminal tribunals, 550–1  
   on motive, 272  
   on preventive action, 603  
   on sovereign territories, 746  
   on superior orders defence, 449
- Malabo Protocol, 150, 471
- Malawi, 563, 684
- Malaysia  
   reservations by, 400, 765, 767, 774–5  
   responsibility to protect and, 623
- Maldives, 472–3, 488
- Mali, 382, 676, 686
- Malik, Yakov A., 671
- Malta, 20, 563
- Malvinas Islands, 747
- Manescu, Manea, 504
- Maronites, 665
- marriage, obstacles to, 34, 309–11, 314–15
- Marshall Islands, 739
- Martens clause, 15, 21
- Mauritania, 654, 659, 738
- Mauritius, 563
- Mauthausen case*, 422
- Maxwell Fyfe, David, 33, 34
- Maya-Achi people, 581
- Mazowiecki, Tadeusz, 341
- McDonald, Gabrielle Kirk, 452
- McNair, Arnold, 785
- Media case*  
   on groups, 163–4  
   on incitement, 385, 389
- Mein Kampf* (Hitler), 37, 369, 637
- Méndez, Juan, 689, 698



- mens rea*  
 of complicity, 412–16  
 of conspiracy, 374  
 of incitement, 384  
 intent, 213, 250  
 of killing, 287  
 knowledge, 142, 215, 218, 458  
 motive, 274  
 premeditation, 243, 791  
 proof of intent, 214–17, 240–4  
 specific intent, 97, 279  
 mental harm, 135–8, 236, 289–97  
 mercenarism, 126–7  
 Meron, Theodor  
 on complicity, 270, 407  
 on hate propaganda, 427  
 on universal jurisdiction, 515  
 Mettraux, Guénaël, 192–3, 404  
 Mexico  
 objections by, 774  
 territorial jurisdiction prosecutions  
 in, 508  
 Micronesia, 737  
 Milanović, Marko, 513  
 military necessity as defence, 429,  
 458–60  
 Milošević, Slobodan, 296, 352, 357,  
 440  
*Ministries case*, 41  
 minorities  
 as group, 206  
 international protection for, 14–16,  
 18, 22–3, 326  
 national, 155, 158, 168, 172–4, 194  
 rights of, 22, 27, 150–1, 329  
*See also* groups  
 mistake of law or fact as defence, 429,  
 458–60  
 Mistral, Gabriela, 65  
*Mladić case*, 237, 263–4, 291  
 Mobutu, Joseph-Désiré, 672  
 Mongolia, 652, 655, 657–8, 731, 735,  
 765–6, 768, 771, 777  
 Montenegro, 737, 765  
 Morgan, Elystan, 407, 442  
 Morgenthau, Henry, 734  
 Morocco, 513, 655, 664, 668, 675, 690,  
 765  
 Morozov, Platon D.  
 drafting of Genocide Convention  
 and, 70  
 on forcible transfer of children, 318  
 on groups, 197–9  
 Moscow Declaration (1943), 28  
 Moscow Human Dimension  
 Mechanism, 145  
 Møse, Erik, 482  
 motive, 271–8  
 Movement of Non-Aligned Countries,  
 655  
 Moynier, Gustav, 538  
 Mozambique, 675–6  
*Mugesera case*, 385, 390  
 Mulka, Robert, 419  
 Mungwarere, Jacques, 522  
 Munyaneza, Désiré, 521  
 Murphy, Sean, 488  
*Musema case*, 372, 426  
 Myanmar Fact-Finding Mission, 239,  
 241, 297, 306, 314–15, 596  
*Myanmar case. see Gambia*  
*v. Myanmar*  
 Namibia, 103–4, 664–5, 693  
 national minorities, 16, 22, 155, 158,  
 172, 194, 207, 325  
 Nauru, 563, 737  
 Nazis  
 convicted of crimes against  
 humanity at Nuremberg, 35  
 ethnic cleansing by, 344, 356  
 forced displacement of Jews by,  
 161  
 groups defined by, 260, 321  
 ‘in part’ clause interpretation and, 280  
 international minorities protections  
 and, 22–3  
 Lemkin on, 25–6  
 measures intended to prevent births  
 used by, 308, 314  
 prosecution of, 28–42  
 racial groups and, 179  
 Ndayaye, Melchior, 688, 716  
 Nderitu, Alice Wairimu, 699  
 Ndiaye, Bacre Waly, xi, 710–13  
 negationism, 393

- negligence, 217, 221, 307, 358, 424–5, 590, 681
- Netherlands
- on cultural genocide, 330
  - on disbanding racist organizations, 643
  - drafting of Genocide Convention
    - and, 59, 64–5, 327
  - on groups, 199–200, 207
  - on international criminal tribunals, 315, 541, 546–7
  - on nuclear weapons, 361
  - objections by, 513, 773–7
  - on official capacity defence, 433, 435
  - on preparatory acts, 646–7
  - on reservations, 764
  - state responsibility litigation of, 590
  - on superior orders defence, 449
  - on universal jurisdiction, 514, 518
- Neurath, Konstantin von, 33
- New Zealand
- on cultural genocide, 331
  - drafting of Genocide Convention
    - and, 77
  - on ethnic cleansing, 346
  - on ‘in whole or in part’ clause, 249
- Nagorno Karabakh, 666–7, 690
- Nicaragua, 655, 656, 659, 667, 690
- Nigeria, 563, 684
- Nikitchenko, Iona T., 38, 392
- Nikolić case*, 352, 355
- Niyitegeka case*, 373
- North Atlantic Treaty Organization (NATO)
- responsibility to protect and, 625–6
  - state responsibility litigation of, 305–6, 588, 590–2
- North Macedonia, 741
- Norway
- drafting of Genocide Convention
    - and, 60, 65
  - on ‘in whole or in part’ clause, 248–9
  - objections by, 444, 773–5
  - on official capacity defence, 433
  - on prosecution, 396, 482, 517
- Nottebohm case*, 170
- Ntakirutimana case*, 412–14
- nuclear weapons, 358, 360–2
- Nuclear Weapons case*, 360–2
- Nuon Chea case*, 177, 186–7, 190–1, 232, 244–6, 270, 428, 503
- Nuremberg Principles, 48, 51–3, 63, 67–70, 74, 87, 349, 440, 447, 449, 451–2, 579, 659
- Nyiramasuhoko case*, 295
- official capacity as defence, 430–45
- Oman, 514
- omission, crime of, 280–1, 287, 307–8
- Ongwen case*, 455
- Operation Storm, 594, 620
- Operation Turquoise, 685
- Ordonneau, Pierre, 197
- Organization for Security and Co-operation in Europe, 163
- Organization of African Unity, 674, 675
- Ottara, You, 175, 177
- Ottoman Empire, 15–18, 123, 350, 394, 641, 668, 693, 734, 801
- Outcome Document of Summit of Heads of State and Government (2005), 348, 610, 628, 699, 701
- Owada, Hisashi, 569
- Pakistan
- on cultural genocide, 83, 330
  - on international criminal tribunals, 543
  - on official capacity defence, 435
  - state responsibility litigation of, 498, 581–4
- Pakistani Prisoners of War case*, 498, 581–4
- Palais de Chaillot, 706
- Palestine, 188, 260, 597, 653–62, 677–9, 736, 755
- Pallieri, Giorgio Balladore, 350
- Panama
- drafting of Genocide Convention
    - and, 63–4
  - General Assembly Resolution 96 (I)
    - and, 44, 47
  - groups defined in legislation of, 404
  - on state responsibility, 567
- Paraguay
- on forcible transfer of children, 320
  - on groups, 178, 208

- Paris Peace Conference (1919), 17, 28, 549
- Parra-Aranguren, Gonzalo, 742
- patrimonicide, 359
- Pawlak, Stanislaw, 320
- Peace of Westphalia of 1648, 15
- peacetime genocide, 43, 789–90
- Pearson, Lester B., 292–3
- Pell, Herbert C., 29
- Pella, Vespasian V.  
   on cultural genocide, 57, 326–7  
   on Draft Code of Crimes, 89  
   drafting of Genocide Convention  
     and, 55, 57, 539  
   on groups, 89, 155, 196  
   influence on Lemkin, 24  
   on international criminal tribunals,  
     539, 540  
   on preventive action, 58, 540
- Pellet, Alain, 7, 98, 228
- penalties, 95–6, 430, 473–5, 483–9,  
   558–61 *see also* capital  
   punishment
- People's Republic of China. *See* China
- Pérez-Perozo, Victor M., 66, 80, 548
- Perinçek v. Switzerland case*, 394
- Permanent Court of International Justice  
   on groups, 172, 179  
   on minorities treaties, 22
- Perrin de Brichambaut, Marc, 442–3
- Peru  
   on cultural genocide, 330  
   drafting of Genocide Convention  
     and, 546, 565  
   on groups, 202  
   groups defined in legislation of, 204,  
     208
- Philippines  
   on cultural genocide, 331  
   on incitement, 380  
   on official capacity defence, 435, 444  
   on rights of accused, 473–4  
   on state responsibility, 543, 569
- Phillips, Nick, 442
- physical element of genocide. *See actus  
   reus*
- Pinheiro, Paolo Sergio, 715–16
- Pinochet, Augusto, 211, 441–2, 517, 522
- Plan de Sánchez massacre, 581
- Poland  
   drafting of Genocide Convention  
     and, 59, 66, 70–2, 74, 79, 82,  
     329, 566  
   on duress, compulsion and coercion,  
     448, 453  
   on forcible transfer of children, 318,  
     320  
   on groups, 169, 197–9  
   on incitement, 380  
   on preventive action, 380, 602  
   reservations by, 765–6, 771, 777  
   Supreme National Tribunal, 41, 308,  
     497  
   territorial jurisdiction prosecutions  
     in, 497
- political genocide, 27, 108, 124–5,  
   199–205, 281
- political groups, 27, 50, 57, 71, 88–9,  
   123, 136–7, 152–6, 167–8,  
   191–207, 211, 498–9, 504, 548,  
   638, 788
- politicide, 203, 359
- Politis, Nicolaos, 18
- Pollock, Ernest, 20
- Pol Pot, 501–2
- Popović case*, 287, 314–15
- Portugal  
   African colonies, 616, 664, 668,  
     674–6  
   on entry into force of Convention,  
     750  
   groups defined in penal code of, 209  
   on sovereign territories, 747
- positive duty to act, 302
- Postelnicu, Tudor, 514
- Potsdam Protocol (1945), 349, 792
- Powell, Colin, 620
- Prada, José de, 559
- premeditation, 220–2, 224, 285, 330
- Preparatory Committee's Working  
   Group on the Definition of  
   Crimes, 137–8
- press, freedom of, 283, 379–81, 636–7
- prevention, 598–648
- procedural defences, 440
- procreative rape, 322–3

- property, defence of, 429, 457  
 Protocol for the Prevention and the Punishment of the Crime of Genocide, 721  
 provocation, 386  
     *see also* direct and public incitement  
 Proxmire Act (US), 732  
 public incitement. *See* direct and public incitement  
 Punjab, 648, 671  
 Putin, Vladimir, 324, 630, 791
- Qatar, 620, 655
- Raafat, Wahid Fikry, 188  
 racial groups, 27, 102, 154–6, 162, 164, 178–83, 185–6, 192, 309  
     *See also* Committee for the Elimination of Racial Discrimination; Convention for the Elimination of All Forms of Racial Discrimination  
 racist organizations, disbanding of, 83, 598, 635, 641–4  
 Radio Mille Collines, 392  
 Ranjeva, Raymond, 612  
 rape, 612. *See* sexual violence  
 ratification of Convention, 729–39  
 recklessness, 215  
 religious groups, 188–91  
 reparations, 57–8, 438, 535–6, 542, 564–7, 576, 593, 609, 756  
 reprisal as defence, 429, 459–60  
 Republic of China, 651–2, 723, 726–7, 732–3, 737  
     *See also* Taiwan.  
 reservations to Convention, 3, 85, 328, 444–5, 591, 595, 749, 752, 755, 759–86  
*res judicata* doctrine, 578, 588, 744  
 revision of Convention, 108, 124–5, 723–5, 733, 753–4  
 Rhodesia, 103–4, 664, 674, 676  
 Riad, Fouad, 339, 352  
 Ribbentrop, Joachim von, 38  
 rights of accused, 473–4
- right to life, 7, 22, 113–17, 457, 467, 621, 712–13, 801  
*Rios Montt case*, 527  
 Riza, Iqbal, 691  
 Robinson, Darryl, 139  
 Robinson, Jacob, 128, 756  
 Robinson, Mary, 561  
 Robinson, Nehemiah  
     on acts of omission, 307  
     on incitement, 376  
     on inflicting conditions of life calculated to destroy group, 300–1, 307  
     on ‘in part’ clause interpretation, 252–3, 261  
     on measures intended to prevent births, 308–9, 314  
     on *mens rea*, 300  
     on mental harm, 292  
     on motive, 268  
     on nuclear weapons, 392  
     on preventive action, 616  
     on prosecution, 481  
 Rodley, Nigel, 711  
 Rodrigues, Calero, 94  
 Rohingya, 297, 307, 314, 596, 710  
 Roman Catholics, 15  
 Romania  
     groups defined in penal code of, 159  
     reservations by, 765–6, 771, 777  
     territorial jurisdiction prosecutions in, 503–4  
     on universal jurisdiction, 514  
 Rome Statute of the International Criminal Court  
     on attempt, 140, 396–8  
     on complicity, 140, 405, 416–17  
     on conspiracy, 141, 371  
     on crimes against humanity, 9, 11, 145, 154  
     on defences, 429  
     definition of genocide in, 4  
     on duress, compulsion and coercion, 453  
     on effective penalties, 485  
     Elements of Crimes requirement of, 5, 106, 141, 143, 286, 296, 310, 351

- on groups, 5–6, 106, 184, 192, 203, 208
- on intoxication defence, 461
- on *mens rea*, 142, 214, 217, 223, 229
- on mistake of law or fact, 459–60
- on motive, 273
- national legislation and, 5–6, 192
- on official capacity defence, 439, 443–4
- on ‘other acts’, 364–5
- on rights of accused, 531
- on state responsibility, 571, 579
- statutory limitation and, 468
- on superior orders defence, 449–53
- Roosevelt, Eleanor, 44
- Roosevelt, Franklin D., 29
- Rosenberg, Alfred, 34–5
- Rothaug, Oswald, 40
- Roucounas, Emmanuel, 94, 561
- Rudzinski, Aleksandr, 71, 74, 448
- Ruhashyankiko, Nicodème
  - on apartheid, 105
  - on ecocide, 359
  - on extradition, 477, 530
  - on groups, 171
  - on motive, 268–9
  - on prosecution, 121, 476
  - on sovereign territories, 748
  - on UN intervention, 614
  - on universal jurisdiction, 121, 514
- Rummel, Rudolph J., 359
- RuSHA case*, 40, 308, 322, 325
- Rusk, Dean, 251
- Rutaganda case*, 161
- Ruzindana, Obed, 274
- Rwanda
  - capital punishment in, 485, 560–1
  - extradition efforts by, 500–1, 518, 531–4
  - incitement in, x, 385–91, 427
  - intoxication defence in, 461
  - legislation in, 414, 478
  - prosecutions in, xi, 463, 471–2
  - reservations by, 582, 595, 771–3
  - responsibility to protect and, 610, 624–5, 666, 697–8
  - state responsibility litigation of, 582, 779–81
  - territorial jurisdiction prosecutions in, 8, 499–500
  - UN intervention in, 148, 682–7, 694–5
  - warnings of genocide in, 392, 693, 711–12
  - See also* International Criminal Tribunal for Rwanda; United Nations Assistance Mission for Rwanda
- Rwandese Patriotic Front, 554, 685
- Sabra and Shatila massacre, 264–5, 617, 649, 656–62, 678
- Saint Kitts and Nevis, 738
- Saint Lucia, 738
- Samoa, 483, 739
- Samphan, Khieu, 503
- Sandström, Emil, 129, 549–50
- Santa Cruz, Hernán, 113
- Sao Tome and Principe, 739
- Sartre, Jean-Paul, 1, 161
- Sary, Ieng, 501–2
- Saudi Arabia, 46, 47, 84, 146, 155, 207, 219, 281, 284, 298, 446, 490, 600, 655, 674, 677, 680, 749
- Scelle, Georges, 350
- Schaack, Beth van, 203
- Schacht, Hjalmar, 38
- Schiffbauer, Björn, 615
- Schirach, Baldur von, 38
- scholasticide, 360
- Schomburg, Wolfgang, 407, 409
- Schonfeld case*, 420
- Schwarzenberger, Georg, 790
- Schwelb, Egon, 434, 447
- Scilingo, Adolfo, 522
- secondary liability, 401
- secondary participation. *See* complicity
- Secretary-General (UN)
  - as depositary of treaty, 727, 754–6
  - drafting of Genocide Convention and, 23, 54–60, 67, 70, 85, 90, 156, 539, 601
- Human Rights Division, 55
- preventive actions by, 625, 693–6
- Special Adviser on Genocide and, 5, 11, 648, 691, 696–701, 706, 709, 711

- Security Council (UN)
  - on Eichmann kidnapping, 534–5
  - preventive actions of, 74
  - on responsibility to protect, 622–30
- self-defence, 429–30, 456–8, 590, 682
- Sellers, Mortimer, 468
- Sen, Hun, 175
- Serbia and Montenegro, 577, 582, 585, 591–2, 743–4
- Serushago case*, 783
- Setalvad, Motilal Chimanlal, 648
- sexual violence
  - as infliction of conditions of life calculated to destroy group, 301, 305–7
  - as measure intended to prevent births, 310–14
  - as mental harm, 142, 295–7
  - procreative rape, 322–3
- Seyss-Inquart, Arthur, 38
- Shahabuddeen, Mohamed
  - on complicity, 407
  - on cultural genocide, 235–6, 336–7
  - on drafting history, 784
  - on specific intent, 336, 412
- Sharpeville massacre, 674
- Shaw, Malcolm
  - on ecocide, 359
  - on groups, 185, 189
  - on incitement, 411
- Shawcross, Hartley, 25, 34, 61, 77, 156, 180, 758
- Shawcross, William, 176
- Shelley, Christine, 625
- Shi, Jiuyong, 579
- Siam. *See* Thailand
- Sierra Leone, 149, 556, 680, 738
- Sikirica case*, 256, 262, 353
- Simon, John, 30
- Singapore, 136, 617, 660, 765, 774–5
- Skotnikov, Leonid, 611
- slavery, 93, 116, 75–7
- Slovakia, 741
- Slovenia, 204, 737, 741
- Slynn, Lord, 441, 517
- social groups, 5, 191, 207–9
- Solomon Islands, 738
- Somalia, 173, 563, 622, 738
- South Africa, 53, 64, 78, 102–10, 239, 316, 330–1, 386, 411, 443, 458, 519, 582, 597, 616, 664–5, 674, 690, 796
  - See also* apartheid
  - South Africa v. Israel case*, 239, 386, 411, 582, 597, 796
- South Sudan, 709
- South Viet Nam, 691, 744
- sovereign territories, 745–8
- Soviet Union
  - on cultural genocide, 83, 328–34
  - on denunciation, 751
  - on disbanding racist organizations, 641–2
  - drafting of Genocide Convention and, 61–6, 69–71, 78–83
  - on effective penalties, 475–6
  - on extradition, 529
  - General Assembly Resolution 96 (I) and, 46–7
  - on groups, 71, 197–9
  - on hate propaganda, 378, 381, 636–8
  - on incitement, 380
  - on inflicting conditions of life calculated to destroy group, 299
  - on intent, 221
  - on International Criminal Court, 546
  - on international criminal tribunals, 491, 538, 541–2, 549
  - on ‘in whole or in part’ clause, 248
  - on jurisdiction, 490, 493–4
  - on measures intended to prevent births, 309
  - on motive, 268, 272
  - on preparatory acts, 645
  - on preventive action, 71
  - on prosecution, 475
  - reservations by, 765–6, 770–1, 777
  - on sovereign territories, 746
  - on state responsibility, 563
  - on superior orders defence, 447–8
  - on UN intervention, 601, 730, 753
  - See also* Basic Principles of a Convention on Genocide
- Soweto, 674

- Spain  
   on groups, 209  
   on reservations, 774  
   reservations by, 591, 765–6, 771, 775  
   state responsibility litigation of, 582, 591  
   universal jurisdiction prosecutions  
     in, 521–2, 527  
 Special Adviser on Genocide and Mass Atrocity  
   creation of, 5, 11, 696–8  
   preventive actions by, 691, 699  
 Special Adviser on the Responsibility to Protect, 423  
 Special Court for Sierra Leone, 149, 556  
 Special Rapporteur on Burundi, 205, 715  
 Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, xi, 697, 710–11  
 Special Tribunal for Lebanon, 150, 404, 556  
 specific intent, 213–78  
 speech, freedom of. *See* freedom of speech and expression  
 Speer, Albert, 229  
 Spiropoulos, Jean  
   Draft Code of Crimes Against the Peace and Security of Mankind, 88–91, 129–30  
   drafting of Genocide Convention and, 388, 495–6  
   on ethnic cleansing, 350  
   on hate propaganda, 387  
   on jurisdiction, 494  
   on official capacity defence, 436  
   on preventive action, 604  
   on state responsibility, 567  
   on superior orders defence, 448  
 Sproul, Robert, 65  
 Srebrenica, 217, 257–8, 261–4, 291, 337, 340, 352, 358, 406, 477, 506, 556, 580, 587, 589, 599, 608–10, 621, 671, 671, 691, 698, 703, 718  
 Sri Lanka, 84, 519, 749, 773, 775  
 stable and permanent groups, 192–4, 784  
*Stakić case*, 270, 355  
 state responsibility  
   article IV debate, 563–5  
   article VI debate, 565–6  
   article IX debate, 566–70  
   litigation, 581–97  
   *See also* Draft Articles on State Responsibility  
 statutory limitation on prosecution, 110–12, 467–9  
 sterilization, 34, 308–10, 314  
 Stockholm International Forum (2004), 697, 791  
 Stoel, Max van der, 163, 714  
 Streicher, Julius, 37–8, 180, 392  
 Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, 105, 117–26, 152, 175, 203, 209, 334, 341, 346, 514, 662, 696, 734  
 Sub-Commission on the Promotion and Protection of Human Rights, 704  
 succession to Convention, 739–45  
 Sudan. *See* Darfur; International Commission of Inquiry on Darfur  
 Summit of Heads of State and Government (2005), 610, 628, 699, 701  
 superior orders as defence, 445–51  
 Suu Kyi, Aung Sang, 523  
 Swaziland. *see* Eswatini  
 Sweden  
   on cultural genocide, 330–1  
   on groups, 156, 170, 182–3, 198, 200–2, 209  
   on hate propaganda, 380, 638  
   on ‘in whole or in part’ clause, 248  
   on jurisdiction, 469, 495–6, 519, 521  
   objections by, 477, 774–5  
   on official capacity defence, 435–6  
   on succession, 744, 766  
   on superior orders defence, 449  
 Switzerland, 394, 521, 734  
 Syria  
   drafting of Genocide Convention and, 351, 436–7, 564, 792

- Syria (cont.)  
   on ethnic cleansing, 351  
   on hate propaganda, 638
- Tadić case*  
   on complicity, 415, 417, 421  
   on ethnic cleansing, 353  
   on motive, 275–6, 278  
   on universal jurisdiction, 515
- Taiwan, 651, 726–7, 733, 775
- Tamils, 795
- Tams, Christian, 740, 748
- Tanzania, 518
- Tatmadaw, 297, 710
- Taylor, Telford, 39, 41
- temporal jurisdiction, 374, 384, 756–9
- territorial jurisdiction, 2, 45–6, 51, 465,  
   467, 489–99, 509–12, 523,  
   542–4, 748
- territories, sovereign, 745–8
- Thailand  
   on cultural genocide, 328  
   on entry into force of Convention, 749  
   on international criminal tribunals, 441  
   on measures intended to prevent  
     births, 309  
   on superior orders defence, 447
- thefticide, 359
- Theresin Ghetto, 314
- Thiam, Doudou  
   on complicity, 423  
   on duress, compulsion and coercion,  
     453  
   on groups, 173, 185–6  
   International Law Commission and,  
     91–6, 132, 227, 284  
   on motive, 275
- Thirlway, Hugh, 612
- Thoma, Alfred, 35
- Thornberry, Patrick., 644
- Thune, Gro Hillestad, 145
- Thouvenin, Jean-Marc, 630
- Tibet, 522, 651–2
- Timisoara, 503–4
- Timor Leste, 738
- Tlateloco Massacre, 508
- Tokyo Tribunal, 81
- Tolimir case*, 258, 291
- Tomka, Peter, 49
- Tomuschat, Christian, 94, 133, 231
- torture, 102, 107, 116, 133, 142, 265,  
   290–6, 345, 510, 555, 640  
   *See also* Convention Against Torture  
     and Other Cruel, Inhuman or  
     Degrading Treatment or  
     Punishment
- Touré, Sékou, 675
- Transitional National Assembly of  
   Rwanda, 500
- transicide, 360
- treaty law on Convention  
   application to sovereign territories,  
     745–8  
   date of, 729  
   denunciation, 750  
   depository functions, 754–6  
   entry into force, 749–50  
   interpretation, 781–6  
   languages, 722–8  
   ratification and accession, 729–39  
   reservations, 759–81  
   revision, 753–4  
   succession, 739–45  
   temporal application, 756–9  
   *See also* Vienna Convention on the  
     Law of Treaties; *specific treaties*
- Treaty of Lausanne (1923), 21
- Treaty of Sèvres, 19–21
- Treaty of Versailles, 18, 20
- tribal groups, 165
- Truman, Harry, 87, 251, 569, 732
- Trusteeship Council (UN), 331, 602,  
   615–16
- Tshombé, Moïse, 673
- Tudjman, Franjo, 237, 593
- tu quoque* as defence, 460–1
- Tunisia, 535, 655, 674
- Türk, Helmut, 145
- Türkiye, 17–21, 64, 84, 120, 146, 260,  
   303, 394, 599, 660, 665, 668,  
   682, 687, 688, 693, 733–4
- Tutsi  
   as group, 160–1, 178, 192, 194, 206,  
     260, 390, 413, 428, 685–9, 693,  
     712–15, 786  
   sexual violence against, 295



- Uganda, 563, 658, 691, 795
- Ukraine
  - reservations by, 765–6, 770–1
  - on sovereign territories, 746
- Ukraine v. Russia*, 202, 223, 576–7, 596–7, 607, 612–13, 615, 618–21, 627, 630–4, 776, 793
- UNESCO Declaration of San Jose, 340
- UNESCO Declaration on Race and Race Prejudice, 181
- United Arab Emirates, 656, 679, 765
- United Kingdom
  - Armenian genocide and, 19
  - on bodily or mental harm, 289–90, 297
  - on complicity, 401–2, 407
  - on denunciation, 751–2
  - on disbanding racist organizations, 643
  - drafting of Genocide Convention and, 54, 59–66, 75–82, 91
  - on ethnic cleansing, 346, 351
  - on extradition, 524–5, 531
  - General Assembly Resolution 96 (I) and, 47–9
  - on groups, 156, 169, 187
  - Hong Kong and, 745
  - on incitement, 379
  - on ‘in whole or in part’ clause, 250
  - on jurisdiction, 495
  - on motive, 268, 277–8
  - on nuclear weapons, 362
  - objections by, 444, 477, 513, 745, 764, 773–5
  - on official capacity defence, 441–2
  - on preparatory acts, 646
  - on preventive action, 587, 603, 623
  - on sovereign territories, 745–8, 768–9
  - on state responsibility, 438, 545, 563–8
  - on superior orders defence, 445
  - on universal jurisdiction, 493, 510, 516, 531
- United Nations. *See specific conventions, offices, and organs*
- United Nations Assistance Mission for Rwanda, 682
- United Nations Investigative Team for Da’esh/ISIL, 718
- United Nations Mission in Kosovo, 507
- United Nations War Crimes Commission, 28, 33
- United States
  - on bodily or mental harm, 290, 293
  - on complicity, 225–6, 401, 403, 423
  - on conspiracy, 366–70
  - on cultural genocide, 318, 327–30, 333–4, 341
  - definition of genocide in legislation of, 179, 186, 188
  - on denunciation, 751
  - on disbanding racist organizations, 641–4
  - on Draft Code of Crimes, 88
  - drafting of Elements of Crimes and, 135–8
  - drafting of Genocide Convention and, 60–6, 69–73, 77–81
  - on ethnic cleansing, 349–51
  - on extradition, 524–31
  - on forcible transfer of children, 319–21
  - on groups, 178, 196–203, 209
  - on hate propaganda, 636–7
  - on incitement, 377–81, 389
  - on inflicting conditions of life calculated to destroy group, 299
  - on intent, 220–3
  - on international criminal tribunals, 444, 538–44, 547
  - on ‘in whole or in part’ clause, 5, 247–55
  - on jurisdiction, 495–6
  - on measures intended to prevent births, 309–10
  - on *mens rea* of killing, 285
  - on motive, 267, 273
  - on preparatory acts, 644–6
  - on preventive action, 610
  - on prosecution, 470, 574
  - on ratification, 728, 731–2
  - on reparations, 536, 565–7

- United States (cont.)
  - on reservations, 477, 591, 760, 762–7, 774–6, 779
  - on responsibility to protect, 625–9, 634
  - on revisions, 753
  - on state responsibility, 438, 568–9
  - on statutory limitation, 468
  - on superior orders defence, 445–8
  - on UN intervention, 601, 620–1
- Universal Declaration of Human Rights
  - adoption of, 76
  - drafting of, 56, 74, 333
  - Genocide Convention as application of, 7
  - on groups, 157, 166, 184
  - on hate propaganda, 639, 644
  - on rights of accused, 584
- universal jurisdiction
  - customary law and, 798
  - drafting of Genocide Convention and, 125, 464, 489–96
  - Lemkin on, 28, 46, 51
  - need for, 797
  - prosecutions under, 28, 46, 51
  - state sovereignty and, 2
- Universal Periodic Review, 737
- Upper Silesia, 22
- Uruguay
  - on denunciation, 751
  - on extradition of nationals, 528
  - on groups, 198, 200, 479–80
  - on hate propaganda, 638
  - on motive, 268
- Ušacka, Anita, 144
- Uyghurs, 316
- vandalism, 14, 154–5
- Vanuatu, 738
- Vasiliauskas case*, 50, 259
- Venezuela
  - on complicity, 401, 645
  - on cultural genocide, 83, 329, 331–2
  - on disbanding racist organizations, 642
  - drafting of Genocide Convention and, 61, 63, 65, 71, 79–82, 248
  - on groups, 196–8, 202
  - on incitement, 378
  - on inflicting conditions of life calculated to destroy group, 299
  - on international criminal tribunals, 65–6, 541, 545–8
  - on ‘in whole or in part’ clause, 249
  - on motive, 266–9
  - on preparatory acts, 646
  - reservations by, 765
  - on state responsibility, 564
  - on superior orders defence, 447–8
- Venice Commission, 172–3
- Verhoeven, Joe, 160
- Vienna Convention on Succession of States in Respect to Treaties, 739
- Vienna Convention on the Law of Treaties
  - customary law and, 754, 756
  - on depositary responsibilities, 755
  - on languages, 727
  - on national legislation, 478, 774
  - on objections, 772–3, 776
  - on protocolar clauses, 722
  - on reservations, 759–60
  - on revisions, 754
  - on rules of interpretation, 143, 235, 474, 781–6
- Vienna Declaration and Programme of Action (1993), 181
- Viet Nam, Democratic Republic of
  - accession to Convention, 744–5, 768
  - reservations by, 765
- Vishinsky, Andrej, 52
- Visscher, Fernand de, 350
- von Hebel, Herman, 139
- Vucković, Miroslav, 507
- Wald, Patricia, 277
- war crimes
  - establishment of court for, 28–9
  - in hierarchy of international crimes, 6
  - international trials for, 30
- Warzazi, Halima Embarek, 124
- We Charge Genocide*, 671

- Weber, Max, 185  
 Weeramantry, Christopher, 361  
 Wernich, Christian von, 508  
 Western Sahara, 668, 690, 737  
 Whitaker, Benjamin  
   on apartheid, 106  
   on extradition, 525, 533  
   on genocide as human rights problem, 7  
   on groups, 123, 159, 203, 209  
   on incitement, 393  
   on 'in part' clause interpretation, 175, 255  
   on official capacity defence, 437  
   on preventive action, 624  
   on UN intervention, 614  
 white slavery, 28, 164  
 Wilhelm II, 18  
 Winter, Renate, 57  
 women  
   as protected group, 209–10  
   violence against, 288, 295–7, 312, 716  
 Working Group on Elements of Crimes. *See* Elements of Crimes  
 World Conference on Human Rights (1993), 346, 681, 695  
 World Council of Churches, 65  
 World Federation of United Nations Associations, 65  
 World Jewish Congress, 65, 70, 317, 641  
 World Peace Council, 668  
 Xinjiang, 316  
 Yalta Conference, 30  
 Yamada, Chusei, 382  
*Yamashita case*, 425–7  
 Yanomani, 508  
 Yazidi, 191, 244, 296, 305, 313, 323, 509, 522, 718  
 Yemen, 650, 656, 674, 679, 765  
 Yugoslavia  
   accession to Convention, 744, 766  
   capital punishment in, 213  
   drafting of Genocide Convention and, 82, 221, 327, 334, 351, 380, 448, 646  
   ethnic cleansing in, 146, 344–5, 353, 665–6, 679–82  
   *litigation at International Court of Justice*, 305–6, 575, 585–95, 608–13  
   *NATO intervention and*, 625–7  
   *ratification of Convention*, 84, 749  
   reservations of, 766, 775  
   on succession, 740–3  
   *resort to article VIII*, 620  
   *See also* International Criminal Tribunal for the former Yugoslavia  
 Zacklin, Ralph, 208, 727  
 Zaire, 125, 712  
 Zambia, 675–6, 684  
 Zelenskyy, Volodymyr, 793  
 Žepa, 258, 291  
*Zyklon B case*, 42, 218, 412, 415, 418–19