DRAFT CONVENTION ON THE CRIME OF GENOCIDE

Note by the Secretary-General

1. The General Assembly, at the second part of its first session on 11 December 1946, adopted resolution 96 (I) as follows:

"THE GENERAL ASSEMBLY

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."

2. At its fifth session, on 6 August 1947, the Economic and Social Council adopted the following resolution:

"THE ECONOMIC AND SOCIAL COUNCIL,

"CONSIDERING the General Assembly resolution 96 (I) of 11 December 1946, and

"HAVING HEREBY to paragraphs (b) of the Council's resolution 47 (IV) of 28 March 1947 which provides for submission to the fifth session of the Economic and Social Council of a draft convention on genocide 'after consultation with the General Assembly Committee on the Development and Codification of International Law and, if feasible, the Commission on Human Rights, and after reference to all Member Governments for comments', and

"NOTING NOTE of the fact that the General Assembly's Committee on the Development and Codification of International Law and the Committee on Human Rights have not considered the draft convention on the crime of genocide prepared by the Secretariat, and that the comments of the Member Governments on this draft convention have not been received in time for consideration at the fifth session of the Economic and Social Council,

"CALLS UPON Member Governments, in view of the urgency of the matter, to submit to the Secretary-General as soon as possible their comments on the draft convention prepared by the Secretariat and transmitted to them with the Secretary-General's letter of 7 July 1947,

"INSTRUCTS the Secretary-General to collate such comments,

"NOTES to inform the General Assembly that it proposes to proceed..."
as rapidly as possible with the consideration of the question, subject to any further instructions of the General Assembly, and

"REQUESTS the Secretary-General, in the meanwhile, to transmit to the General Assembly the draft convention on the crime of genocide prepared by the Secretariat in accordance with paragraph (a) of the Council resolution of 28 March 1947, together with any comments from Member Governments received in time for transmittal to the General Assembly."

3. In compliance with the request expressed by the Economic and Social Council, the Secretary-General has the honour to transmit to the General Assembly the following text of the draft convention on the crime of genocide prepared by the Secretariat. The Secretary-General will later transmit such comments thereon that he may receive from Member Governments.
PART III. CONVENTION FOR THE PREVENTION AND PUNISHMENT OF GENOCIDE

Preamble

The High Contracting Parties proclaim that genocide, which is the intentional destruction of a group of human beings, is an outrage against the universal conscience, inflicts irreparable loss on humanity by depriving it of the cultural and other contributions of the group so destroyed, and is in violent contradiction with the spirit and aims of the United Nations.

1. They appeal to the feelings of solidarity of all members of the international community and call upon them to oppose this odious crime.
2. They proclaim that the acts of genocide defined by the present Convention are crimes against the Law of Nations, and that the fundamental exigencies of civilization, international order and peace require their prevention and punishment.
3. They pledge themselves to prevent and to repress such acts wherever they may occur.

Article I

General Definitions

I. The purpose of this Convention is to prevent the destruction of mental, national, linguistic, religious or political groups of human beings.

II. In this Convention, the word "genocide" means a criminal act directed against any of the aforementioned groups of human beings, with the purpose of destroying it in whole or in part, or of preventing its preservation or development.

Such acts consist of:

1. Causing the death of members of a group or
   (a) Group massacres or individual executions;
   (b) Subjecting to conditions of life which, by
      lack of proper housing, clothing, food, hygiene
      and medical care, or excessive work or physical
      exertion, are likely to result in the debilitation
      or death of the individuals;
   (c) Torture and biological experiments
      imposed for other than curative purposes;
   (d) Deprivation of all means of livelihood, by
      confiscation of property, looting, prohibition
      to work, denial of housing and of supplies
2. Restricting births by:
   (a) Sterilization and/or compulsory abortion, or
   (b) Segregation of the sexes; or
   (c) Obstacles to marriage.
3. Destroying the specific characteristic of the group by:
   (a) Forced transfer of children to another human group; or
   (b) Forced and systematic exile of individuals representing the culture of a group; or
   (c) Prohibition of the use of the national language even in private intercourse; or
   (d) Systematic destruction of books printed in the national language or of religious works, or prohibition of new publications; or
   (e) Systematic destruction of historical or religious monuments or their diversion to alien uses, destruction or dispersal of documents and objects of historical, artistic or religious value and of objects used in religious worship.

   Article II

   I. The following are likewise deemed to be crimes of genocide:
   1. Any attempt to commit genocide;
   2. The following preparatory acts:
      (a) Studies and research for the purpose of developing the technique of genocide;
      (b) Setting up of installations, manufacturing, obtaining, possessing or supplying of articles or substances with the knowledge that they are intended for genocide;
      (c) Issuing instructions or orders, and distributing tasks with a view to committing genocide.
   II. The following shall likewise be punishable:
   1. Willful participation in acts of genocide of whatever nature;
   2. Direct public incitement to any act of genocide, whether the incitement be successful or not;
   3. Conspiracy to commit acts of genocide.
ARTICLE III

All forms of public propaganda tending by their systematic and hateful character to provoke genocide, or tending to make it appear as a necessary, legitimate or excusable act shall be punished.

ARTICLE IV

Those committing genocide shall be punished, be they rulers, public officials or private individuals.

ARTICLE V

Command of the law and superior orders shall not justify genocide.

ARTICLE VI

The High Contracting Parties shall make provision in their municipal criminal law for acts of genocide as defined by Articles I, II and III above, and for their effective punishment.

ARTICLE VII

The High Contracting Parties declare that genocide shall not be considered as a political crime and therefore shall be a cause for extradition.

The High Contracting Parties pledge themselves to grant extradition in cases of genocide.

ARTICLE VIII

The High Contracting Parties pledge themselves to submit all persons guilty of genocide under this Convention for trial by an international court in the following cases:

1. When they are unwilling to try such offenders themselves under Article VII or to grant their extradition under Article VIII.

2. If the acts of genocide have been committed by individuals acting as organs of the State or with the support or toleration of the State.
Art. IX
The drafts are submitted for this article (vide appendices):
(First draft)
The court of criminal jurisdiction under Art. IX shall be the International Court having jurisdiction in all matters connected with international crimes.
(Second draft)
An international court shall be set up to try crimes of genocide.

Art. X
The High Contracting Parties pledge themselves to disband any group or organization which has participated in any act of genocide mentioned in Articles I, II and III above.

Art. XI
Irrespective of any provision in the foregoing
articles, should the crimes as defined in this Convention be committed in any part of the world, or should there be serious reasons for suspecting that such crimes have been committed, the High Contracting Parties may call upon the competent organs of the United Nations to take measures for the suppression or prevention of such crimes.

In such cases the said Parties shall do everything in their power to give full effect to the intervention of the United Nations.

Art. XII
When genocide is committed in a country by the Government in power or by sections of the population, and if the Government fails to resist it successfully, the State shall grant to the survivors of the human group which is a victim of genocide redress of a nature and in amount to be determined by the United Nations.

Art. XIII
Disputes relating to the interpretation or application of this Convention shall be submitted to the International Court of Justice.

Art. XIV
The present Convention, of which the

......., ....... and ....... texts are equally auth-

shall bear the date of .........
Article XV
(First draft)

1. The present Convention shall be open to accession on behalf of any Member of the United Nations or any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. The instruments of accession shall be transmitted to the Secretary-General of the United Nations.

(Second draft)

1. The present Convention shall be open until ...1948 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified, and the instruments of ratification shall be transmitted to the Secretary-General of the United Nations.

2. After ...1948 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State that has received an invitation as aforesaid.

Instruments of accession shall be transmitted to the Secretary-General of the United Nations.

Article XVII
(No proposal is put forward for the moment.)

Article XVIII

Reservation (First draft)

1. The present Convention shall remain in effect for a period of five years, dating from its entry into force.
have not denounced it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

(Second draft)

The present Convention may be denounced by a written notification addressed to the Secretary-General of the United Nations. Such notification shall take effect one year after the date of its receipt.

Article XV

(Abrogation of the Convention)

If the number of Members of the United Nations and non-member States bound by this Convention becomes less than, as a result of denunciations, the Convention shall cease to have effect as from the date on which the last of these denunciations shall become operative.

Revision of the Convention

Article XVI

A request for the revision of the present Convention may be made at any time by any State which is a party to this Convention by means of a written notification addressed to the Secretary-General.

The Economic and Social Council shall decide upon the measures to be taken in respect of such a request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and non-member States referred to in Article XVI of all accessions (or withdrawals, ratifications and accessions) received in accordance with Articles XVI and XVIII, of denunciations received in accordance with Article XII, of the abrogation of the Convention as provided by Article XII and of requests for revision of the Convention made in accordance with Article XVI.

Article XVIII

1. A copy of the Convention signed by the President of the General Assembly and the Secretary-General of the United Nations shall be deposited in the Archives of the Secretariat of the United Nations.

(Acceptance of the Convention and transmission of copies to Governments)
Article XXX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.
ANNEXES TO CONVENTION ON ARTICLES I, II

Annex I

ESTABLISHMENT OF A PERMANENT INTERNATIONAL CRIMINAL COURT FOR THE PUNISHMENT OF GENOCIDE

ARTICLE I

The International Criminal Court for the trial, as hereinafter provided, of persons accused of an offence dealt with in the Convention for the Prevention and Punishment of Genocide is hereby established.

ARTICLE 2

1. In cases of genocide committed by individuals acting as organs of the State or having been supported or tolerated by the State, each High Contracting Party and any other State having arrested such individuals on its territory may, if unwilling to arrest or punish the said individuals, request the Court to commit them for trial to the Court.

2. The act whereby a State requests the Court to commit an accused for trial to the Court shall contain a statement of the main charges and evidence in support thereof.

3. If the Court is of the opinion that the accused should be committed for trial to the Court, it shall designate the persons instructed to act for the prosecution.

4. The Court shall transmit to the Court all the documents containing the incriminating evidence. Upon such transmission the matter shall be deemed to be before the Court.

* Some articles of Annexes I and II reproduce textual articles from the Convention of 16 November 1937, for the creation of an International Criminal Court, whilst others reproduce articles from the said Convention with amendments which are mostly purely of form.

In the margin, are given the numbers of the articles of the Convention of 16 November 1937 which were taken as models and the word "amended" has been added, when the article is not reproduced entirely, the new passages being underlined.

* Request to be addressed to the Economic and Social Council or to the Security Council of the United Nations.

In conclusion,
Article 3

The Court shall be a permanent body, but shall sit only when it is seized of proceedings for an offence within its jurisdiction.

Article 4

1. The seat of the Court shall be established at

2. For any particular case, the President may take the opinion of the Court and the Court may decide to meet elsewhere subject to the consent of the States on the territory of which such meeting is to be held.

Article 5

The Court shall be composed of judges chosen from among jurists who are acknowledged authorities on criminal law.

Article 6

The Court shall consist of seven regular judges and seven deputy judges, each belonging to a different nationality, but so that the regular judges and deputy judges shall be nationals of the High Contracting Parties.

Article 7

1. Any Member of the United Nations and any non-Member State, in respect of which the Convention for the Prevention and Punishment of Genocide is in force, may nominate not more than two candidates for appointment as judges of the Court. A panel of all the candidates so nominated shall be drawn up for this purpose.

2. The International Court of Justice shall be requested to choose the regular and deputy judges from the persons so nominated.

Article 8

Every member of the Court shall, before taking up his duties, give a solemn undertaking in open Court that he will exercise his powers impartially and conscientiously.

Article 9

The High Contracting Parties shall grant the members of the Court diplomatic privileges and immunities when engaged on the business of the Court.

Article 10

1. Judges shall hold office for seven years.
3. The order of retirement for the first period of seven years shall be determined by lot when the first election takes place.
4. Judges may be re-appointed.
5. Judges shall continue to discharge their duties until their places have been filled.
6. Nevertheless, judges, though replaced, shall finish any cases which they have begun.

Article 11
1. Any vacancy, whether occurring on the expiration of a judge's term of office or for any other reason, shall be filled as provided in Article 7.
2. In the event of the resignation of a member of the Court, the resignation shall take effect upon notification being received by the Registrar.
3. If a seat on the Court becomes vacant more than one year before the date at which the new election to that seat would normally take place, the vacancy shall not be filled before that date.

Article 12
A member of the Court cannot be dismissed unless for the unanimous opinion of all the other members, including both regular and deputy judges, he has ceased to fulfil the required conditions.

Article 13
A judge appointed in place of a judge whose period of appointment has not expired shall hold the appointment for the remainder of his predecessor's term.

Article 14
The Court shall elect its President and Vice-President from its members for a term of seven years. In the event the President or Vice-President becoming vacant, the Court shall hold fresh elections which may be conducted by correspondence.

Article 15
The Court shall establish regulations to govern its practice and procedure.

Article 16
The Court's archives shall be in the charge of the Registrar.
The number of members who shall sit to constitute the Court shall be seven.

Members of the Court may not take part in trying any case in which they have previously been engaged in any capacity whatsoever. In case of doubt, the Court shall decide.

If, for more special reasons, a member of the Court considers that he should not sit to try a particular case, he shall so notify the President as soon as he has been informed that the Court is seized of that case.

1. If the presence of seven regular judges is not assured, the necessary number shall be made up by calling upon the deputy judges in their order on the list.

2. The list shall be prepared by the Court and shall have regard, first, to priority of appointment and, secondly, to age.

The substantive criminal law to be applied by the Court shall be that of the territory on which the offence was committed if the country concerned is a party to the Convention and, in other cases, the law of the country which applied to the Court under Article 2.

Any dispute as to what substantive criminal law is applicable shall be decided by the Court.

If the Court has to apply, in accordance with Article 21, the law of a State of which no sitting judge is a national, the Court may invite a jurist who is a national of the said State and an acknowledged authority on such law to sit with it in a consultative capacity as a legal assessor.

Any person directly injured by the offence may, if authorized by the Court, and subject to any conditions which it may impose, constitute himself "partie civile" before the Court; such person shall not take part in the oral
The Court may not entertain charges against any person except the person committed to it for trial, or try any accused person for any offences other than those for which he has been committed.

Article 25
The Court shall not proceed further with the case and shall order the accused to be discharged if the prosecution is withdrawn by ____________________

Article 26
1. Accused persons may be defended by advocates belonging to a Bar and approved by the Court.
2. If provision is not made for the conduct of the defence by a barrister chosen by the accused, the Court shall assign to each accused or group of accused a counsel selected from advocates belonging to a Bar.

Article 27
The file of the case and the statement of the "partic civila" shall be communicated to the person who is before the Court for trial.

Article 28
1. The Court shall decide whether a person who has been committed to it for trial shall be placed or remain under arrest. Where necessary, it shall determine on what conditions he may be provisionally set at liberty.
2. The State on the territory of which the Court is sitting shall place at the Court's disposal a suitable place of internment and the necessary staff of warders for the custody of the accused.

Article 29
The parties may submit to the Court the names of witnesses and experts, but the Court shall be free to decide whether they shall be summoned and heard. The Court may always, even on its own motion, have other witnesses and experts. The same rules shall apply as regards all evidence.

Article 30
Any letters or request must the Court consider an
necessary to have despatched shall be transmitted to the State competent to give effect thereto by the method prescribed by the regulations of the Court.

Article 31
No examination, no hearing of witnesses or experts and no confrontation may take place before the Court except in the presence of the counsel for the accused and the representatives of

Article 32
The hearings before the Court shall be public.

Article 33
The Court shall sit in private to consider its judgment.

Article 34
The citations of the Court shall be by a majority of the judges.

Article 35
Every judgment or order of the Court shall state the reasons therefor and be read at a public hearing by the President.

Article 36
1. The Court shall decide whether any object is to be confiscated or be restored to its owner.
2. The Court may sentence the persons committed to its to pay damages.
3. High Contracting Parties in whose territory objects to be restored or property belonging to convicted persons are situated shall be bound to take all the measures provided by their own laws to ensure the execution of the sentences of the Court.
4. The provisions of the preceding paragraph shall also apply to cases in which pecuniary penalties imposed by the Court or costs of proceedings have to be recovered.

Article 37
1. Sentences involving loss of liberty shall be executed by a High Contracting Party chosen with the consent of the Court. Such consent may not be withheld by the State which brought the matter before the Court under Article 2.
2. The Court shall determine the way in which any
Article 38
If sentence of death has been pronounced, the State designated by the Court to execute the sentence shall, if its national law does not provide for the death penalty, be entitled to substitute therefor the next severe penalty provided by the said law which involves loss of liberty.

Article 40
The right of pardon shall be exercised by the State which has to enforce the penalty unless within a period of one month from the date on which the State concerned has informed it of its desire to exercise such right, the Government shall have entered an objection.

Article 41
1. Against convictions pronounced by the Court, no proceedings other than an application for revision shall be allowable.

2. The Court shall determine in its rules the cases in which an application for revision may be made.

3. The States mentioned in article 2, and the persons committed for trial by the Court, shall have the right to ask for a revision.

Article 42
1. The Judges shall while sitting receive allowances to be borne by the respective State of which each Judge is a national, on the basis of a scale established by the High Contracting Parties.

2. There shall be created by contributions from the High Contracting Parties a common fund from which the costs of the proceedings and other expenses incurred in the trial of cases, including any fees and expenses of counsel assigned to the accused by the Court, shall be defrayed, subject to recovery from the accrued if he is convicted. The special allowance to the Registry and the expenses of the Registry shall be met out of this fund.

The Economic and Social Council and the Security Council.
Article 26

1. The Court shall decide any questions as to its own jurisdiction arising during the hearing of a case; it shall for this purpose apply the provisions of the present Convention for the Prevention and Punishment of Genocide and the general principles of law.

2. If a High Contracting Party, not being the Party which sent the case in question for trial to the Court, disputes the extent of the Court's jurisdiction in relation to the jurisdiction of the national courts and does not see the need to appear in the proceedings in order that the question may be decided by the International Criminal Court, the question shall be treated as arising between each High Contracting Party and the High Contracting Party which sent the case for trial to the Court, and shall be settled as provided in Article 14 of the Convention for the Prevention and Punishment of Genocide.

Article 28

Thereupon the Court shall be in a position to make a decision on the possibility of nullifying the possible acquittal of persons who have been acquitted. Such decisions shall be pronounced by a panel of seven judges. Each decision shall be pronounced over by a regular judge of the Court elected by the regular and extraordinary judges of the Court in general assembly.

It shall be drawn to the attention of judges to the various sections.

If, owing to an acquittal of persons the number of regular or special judges is insufficient to produce a full complement of all the sections created, remises may be filled by lot by persons appearing on the roll referred to in article 7, paragraph 1.

In all cases however, the remiseree of the number of sections created, such sections may not be provided over enough by a regular judge or in the choice of a regular judge, by a deputy judge of the International Criminal Court.

* The Economic and Social Council or the Security Council.
ANNEX II
ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT FOR THE PUNISHMENT OF GENOCIDE

Article 1

1. Each State shall, within a period of one month from the date on which the Convention for the Prevention and Punishment of Genocide comes into force with reference to such State, designate two persons who are acknowledged authorities on criminal law to hold the office of Judge in an International Criminal Court for the punishment of genocide if called upon.

2. No person may be designated who is not a national of one of the High Contracting Parties to the said Convention.

3. The names of the persons so designated shall be communicated to the President of the International Court of Justice who shall place them on the panel.

Article 2

1. In the case of acts of genocide committed by individuals acting as organs of the State or with the support or complicity of the State, each High Contracting Party and any other State which arrested such individuals or its co-wrongs may, if unwilling to extradite or surrender the said individuals, request . . . . . . . . . . to commit them for trial to the Court.

2. The instrument whereby a State requests . . . . . . . . . . to commit an accused for trial to the Court shall contain a statement of the main charges and evidence in support thereof.

3. If the . . . . . . . . . . is of the opinion that such request should be complied with, it shall forthwith approach the International Court of Justice requesting it to select seven regular and seven deputy judges from the panel provided for in Article 1.

4. The . . . . . . . . . . shall also designate the persons requested to act for the prosecution.

Article 3

The . . . . . . . . . . shall at the same time decide where the Court is to sit. If such place shall be in the
Article 4

For the purposes of constituting the International Criminal Court, the President of the International Court of Justice shall forthwith common the persons designated under Article 1.

Article 5

The first meeting of the International Criminal Court shall be presided over either by the President or Vice-President of the International Court of Justice or by a judge of that Court designated for that purpose.

At such first meeting, which shall be public, the members of the International Criminal Court shall, before taking up their duties, give a solemn undertaking to exercise their powers impartially and conscientiously.

Article 6

The High Contracting Parties shall grant the members of the Court diplomatic privileges and immunities when engaged on the business of the Court.

Article 7

A member of the Court cannot be dismissed unless in the unanimous opinion of all the other members, including both regular and deputy judges, he has ceased to fulfill the required conditions.

Article 8

The Court shall elect its President and Vice-President from its members.

Article 9

The Court shall establish regulations to govern its practice and procedure.

Article 10

The Court's archives shall be in the charge of the Registrar.

Article 11

The number of members who shall sit to constitute the Court shall be seven.
Article 14

Members of the Court may not take part in trying a case in which they have previously been engaged in any capacity whatever. In case of doubt, the Court shall decide.

Article 15

If, for some special reason, a member of the Court considers that he should not sit to try a particular case, he shall so notify the President as soon as he has been informed that the Court is about to sit.

Article 16

If the presence of seven regular judges is not seen the necessary member shall be made up by calling upon the deputy judges in their order on the list.

Article 17

1. The substantive criminal law to be applied by the Court shall be that of the territory in which the offence was committed if the country concerned is a part of the Convention and, in other cases, the law of the country which applied to the Court under Article 16.

2. Any dispute as to what substantive criminal law applicable shall be decided by the Court.

Article 18

If the Court has to apply, in accordance with Article 16, the criminal law of a country of which it is sitting judge is a national, the Court may invite a jurist who is a national of the said State and an acknowledged authority on such law to sit with it in a consultative capacity as a legal assessor.

Article 19

Any person directly injured by the offence may, if authorised by the Court, and subject to any conditions which it may impose, constitute himself "partie civile" before the Court; such person shall not take part in the oral proceedings except when the Court is dealing with an appeal.

Article 20

The Court may not entertain charges against any person except the person committed to it for trial, or try any accused person for any offences other than those for which he has been committed.
Article 10
The Court shall not proceed further with the case and shall order the accused to be discharged if the prosecution is withdrawn by **********.

Article 11
1. Accused persons may be defended by advocates belonging to a Bar and approved by the Court.
2. If provision is not made for the conduct of the defence by a barrister chosen by the accused, the Court shall assign to each accused or group of accused a counsel selected from advocates belonging to a Bar.

Article 12
The dossier of the case and the statement of the "parties civils" shall be communicated to the persons who is before the Court for trial.

Article 24
Any letters of request which the Court considers it necessary to have dispatched shall be transmitted to the State competent to give effect thereto by the method prescribed by the regulations of the Court.
Article 25
No examination, no hearing of witnesses or experts and no confrontation may take place before the Court except in the presence of the counsel for the accused and the representatives of the President.

Article 26
The hearings before the Court shall be public.

Article 27
The Court shall sit in private to consider its judgment.

Article 28
The decisions of the Court shall be by a majority of the judges.

Article 29
Every judgment or order of the Court shall state the reasons therefor and be read at a public hearing by the President.

Article 30
1. The Court shall decide whether any object is to be confiscated or be restored to its owner.
2. The Court may sentence the persons convicted to it to pay damages.
3. High Contracting Parties in whose territory objects to be restored or property belonging to convicted persons are situated shall be bound to take all the measures provided by their own laws to ensure the execution of the sentences of the Court.
4. The provisions of the preceding paragraph shall also apply to cases in which pecuniary penalties imposed by the court or costs of proceedings have to be recovered.

Article 31
1. Sentences involving loss of liberty shall be executed by a High Contracting Party chosen with the consent of the Court. Such consent may not be withheld by the State which brought the matter before the Court.
2. The Court shall determine the way in which any fine shall be dealt with.
Article 32

If sentence of death has been pronounced, the State designated by the Court to execute the sentence shall, if its national law does not provide for the death penalty, be entitled to substitute therefor the most severe penalty provided by the said law which involves loss of liberty.

Article 33

The right of pardon shall be exercised by the State which has to enforce the penalty unless within a period of one month from the date on which the State concerned has informed it of its desire to exercise such right the execution of the sentence shall have entered an objection.

Article 34

1. Against convictions pronounced by the Court, as proceedings other than an application for revision shall be allowable.

2. The Court shall determine in its rules the cases in which an application for revision may be made.

3. The States mentioned in article 2, and the persons committed for trial by the Court, shall have the right to ask for a revision.

Article 35

1. The judges shall, while sitting, receive allowances to be borne by the respective State of which each judge is a national, on the basis of a scale established by the High Contracting Parties.

2. There shall be created by contributions from the High Contracting Parties a common fund from which the costs of the proceedings and other expenses incurred in the trial of cases, including any fine and expenses of counsel assessed to the accused by the Court, shall be defrayed, subject to recovery from the accused if he is convicted. The special allowance to the Registrar and the expenses of the Registrar shall be met out of this fund.

Article 36

The Court shall decide any questions as to its own jurisdiction arising during the hearing of a case; it shall for this purpose apply the provisions of the present Convention for the Prevention and Punishment of Genocide and the general principles of law.