

Genocide Determination (No. 2) Bill

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Provide for the High Court of England and Wales to make a preliminary finding on cases of alleged genocide; and for the subsequent referral of such findings to the International Criminal Court or a special tribunal.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Adjudication of cases of genocide

- (1) A person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, may bring a case to the High Court of England and Wales for it to make a preliminary finding on the available evidence as to whether genocide has been committed against that person or group. 5
- (2) Rules may be made in accordance with section 1 of the Civil Procedure Act 1997 (civil procedure rules) governing the practice and procedure to be followed by the High Court of England and Wales in considering cases under this Act. 10

2 Referrals to the International Criminal Court or a special tribunal

- (1) Where the High Court of England and Wales has made a preliminary finding that genocide has been committed against a group of persons, the Secretary of State must refer the finding—
 - (a) to the Prosecutor of the International Criminal Court, pursuant to Article 14 of the Rome Statute of the International Criminal Court, or 15
 - (b) to the United Nations Security Council, with a view to tabling a resolution for the Security Council to refer the situation to the International Criminal Court pursuant to Article 13(b) of the Rome Statute of the International Criminal Court, or 20
 - (c) to the United Nations Security Council, with a view to the Security Council establishing a special tribunal pursuant to Chapter V, Article 29 of the United Nations Charter.

- (2) The Secretary of State shall make whichever of the referrals in subsection (1) the Secretary of State deems most expedient.

3 Interpretation

In this Act, “genocide” has the meaning given in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

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4 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) Sections 1 to 3 come into force at the end of the period of six months beginning with the day on which this Act is passed.
- (3) This section comes into force on the day on which this Act is passed.
- (4) This Act may be cited as the Genocide Determination Act 2017.

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To provide for the High Court of England and Wales to make a preliminary finding on cases of alleged genocide; and for the subsequent referral of such findings to the International Criminal Court or a special tribunal.

Presented by Fiona Bruce.

*Ordered, by The House of Commons,
to be Printed, 5 September 2017.*

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