

# Genocide Determination Bill [HL]

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**B I L L**

TO

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

**B**E 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 Determination of cases of genocide, crimes against humanity or war crimes**

- (1) A person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, may apply to the High Court for it to make a preliminary finding on the available evidence as to whether— 5
- (a) genocide has been committed against that group, or
  - (b) the acts complained of constitute a crime against humanity or a war crime.
- (2) Where the Court considers that evidence is not sufficient to allow it to make a finding under subsection (1), the Court may request the Secretary of State to take any of the actions identified in subsection (3). 10
- (3) The Secretary of State may, in accordance with a request from the Court under subsection (2), seek to establish an investigative or other appropriate measure to collect relevant evidence through— 15
- (a) the United Nations General Assembly or Security Council;
  - (b) relevant intergovernmental organisations;
  - (c) relevant national governments; and
  - (d) any other persons the Secretary of State considers appropriate.
- (4) 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. 20

## 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, crimes against humanity or war crimes have 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 5
  - (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 10
  - (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, or
  - (d) to any other United Nations mechanism with a mandate to investigate the situation. 15
- (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 –

- (a) “genocide” has the meaning given in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide and Article 6 of the Rome Statute of the International Criminal Court; 20
- (b) “crimes against humanity” has the meaning given in Article 7 of the Rome Statute of the International Criminal Court;
- (c) “war crimes” has the meaning given in Article 8 of the Rome Statute of the International Criminal Court. 25

## 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. 30
- (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 2020.



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## B I L L

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

*Lord Alton of Liverpool*

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