

THE CENTRE FOR INTERNATIONAL & PUBLIC LAW (CIPL)
ANU COLLEGE OF LAW PRESENTS:



PUBLIC SEMINAR

GENOCIDE AND THE WORLD COURT

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Friday, 29 May 2009, 1-2pm
Phillipa Weeks Staff Library
ANU College of Law (Bldg 5), Fellows Rd, ANU
The Australian National University

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This event is free and open to the public.

Although not a criminal tribunal, the International Court of Justice can deal with the crime of genocide within the context of both its advisory and its contentious jurisdiction. In February 2007, the Court issued a landmark judgment in the Genocide Case opposing Bosnia and Serbia. A few months ago, in November 2008, the Court established its jurisdiction in a second case concerning allegations of violations of this Convention between Croatia and Serbia. And in a third case, concerning allegations by Georgia against Russia of violations of the Convention on the Elimination on all Forms of Racial Discriminations, the Applicant reserved its right to invoke article IX of the Genocide Convention as an additional basis for the Courts jurisdiction.

These cases submitted to the World Court reflect a growing interest in the Convention Concerning the Prevention and Punishment of the Crime of Genocide. Over the past few years, a growing number of jurisdictions, both international and domestic, have handed down judgments based on this Convention. Often these have led to controversial and contradictory interpretations on the definition of genocide as phrased in the Convention.

On this point, the World Courts contribution could be significant as a means of avoiding jurisprudential fragmentation in this field. In its 2007 Judgment the Court answered the major legal question about what constitutes genocide and the conditions for making out this crime. It carefully distinguished other concepts, such as ethnic cleansing. But this is not to say that the controversy is over. It seems that the ICJ itself encountered some difficulties in strictly applying its own definition of genocide in the Bosnian case, probably because it was trapped in this regard by the ICTYs jurisprudence. Moreover, international tribunals such as the European Court of Human Rights have not necessarily followed the ICJs path and its definition of genocide.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.

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