




A brief guidance note

United Nations Office on Genocide
Prevention and the Responsibility to Protect



The term “genocide” was first coined by Polish lawyer Raphaël Lemkin in 1944 in his book *Axis Rule in Occupied Europe* by combining *geno*, from the Greek word for race or tribe, with *-cide*, derived from the Latin word for killing. Lemkin developed the concept of genocide partly in response to the Holocaust, but also in response to previous instances in which he considered entire nations, and ethnic and religious groups, had been destroyed such as “the destruction of Carthage; that of religious groups in the wars of Islam and the Crusades; the massacres of the Albigenses and the Waldenses; and more recently, the massacre of the Armenians.”ⁱ

The indictments and the Nuremberg Trials that followed World War II made reference to “genocide” in the context of crimes against humanity, particularly in relation to the crime of persecution and murder. However, at that time genocide was not listed as a separate crime in the Charter of the International Military Tribunal (Nuremberg Charter) and

was used as a descriptive rather than a legal term. The first time that genocide was codified as an independent crime under international law was in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter, the Genocide Convention).ⁱⁱ According to Article I of the Convention,

United Nations General Assembly, authorizing the drafting of the Genocide Convention, which was adopted unanimously, states that "many instances of such crimes of genocide have occurred when racial, religious, and other groups have been destroyed, entirely, or in part." Thus, it can be concluded that the Convention recognises that genocide is not a new phenomenon and that events that occurred before the Genocide Convention was adopted may have fit the definition of genocide as set out in the Convention.

International Criminal Court in the case of Darfur (Sudan); and by the Extraordinary Chambers in the Courts of Cambodia. At the national level, a few domestic courts have ruled that particular events constituted genocide. When considering these cases, it is important to compare the definition of the crime of genocide in the national legal



may constitute genocide and other atrocity crimes, past or present. This means acknowledging serious violations of international human rights and humanitarian law that may have been committed in the past or may be ongoing, including where there has not yet been a legal determination of the type of international crime that may have been committed. United Nations officials have a responsibility to contribute to international dialogue on the causes of genocide and other atrocity crimes and to advance collective efforts to prevent future crimes.¹

Genocide (Bosnia and Herzegovina v Serbia and Montenegro), Judgment, I.C.J. Reports 2007 (I), pp. 110-111, para. 161.

v Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p. 45, para. 95.

iRaphäel Lemkin, Genocide, «American Scholar», vol. 15, no. 2, April 1946, pp. 227-230.

ii Raphäel Lemkin led the campaign to have genocide recognised and codified as an international crime. However, the original definition proposed by Raphäel Lemkin and the notion finally agreed to by the international community in the Genocide Convention are not identical, though similar, particularly in relation to the types of groups targeted.

iii Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015, p. 46, para. 100.

iv Application of the Convention on the Prevention and Punishment of the Crime of

