Abstract

According to the internation law, genocide is a crime commited by persons endowed with state power or is commited with knowledge of the state, violating important norms of international law.

Thesis is analyzing term “genocide” since its birth. We owe coining of the term to Polish lawyer with Jewish heritage, Raphael Lemkin, who characterised it in year 1944 in hope, that it will help with prosecution and sentencing of nazi war criminals in Nurnberg. It, unfortunately, did not happen. Their were charged only with crimes against humanity and war crimes. Term “genocide” did not help to prove guilt of unlawful acts of the nazi clique against ethnic and national minorities, but tribunals have subsumed it under terms such as “extermination” or “mass killings”.

Only after the final judgements were passed and sentences carried out, was Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948. To call unlawful acts a genocide, subjective and objective element must be present. Subjective element requires special intent to destroy, in whole or in part a national, ethnic, racial or religious group. To fulfill objective element, one of the acts enumerated in Article II of Genocide convention must be commited.

Thesis is analyzing term “genocide” as characterised in Genocide Convention and this analysis is accompanied by cases and judgements of international tribunals, namely International Crime Tribunal for Former Yugoslavia and International Crime Tribunal for Rwanda. Important parts of judgements are bilingual, translated to Slovak in main text and kept in original form in the footnotes, so an imperfect translation can be avoided. These parts of judgements are chosen by their importance to help the reader understand the importance of the given information.

Last chapters of thesis consist of short historical excursion to times, when the genocide was committed in former Yugoslavia (or Bosnia and Herzegovina), Rwanda and Cambodia. International Criminal Court has also a place in the thesis and a short characteristics is given on prosecution of genocide on the national level.