



Diploma Thesis Evaluation Form

Author: Iskra Alikalfic

Title: Definition of Genocide in Modern Times

Programme/year: MAIN/2021_2022

Author of Evaluation (supervisor): JUDr. Milan Lipovský, Ph.D.

Criteria	Definition	Maximum	Points
Major Criteria			
	Research question, definition of objectives	10	10
	Theoretical/conceptual framework	30	25
	Methodology, analysis, argument	40	28
<i>Total</i>		80	63
Minor Criteria			
	Sources	10	9
	Style	5	3
	Formal requirements	5	4
<i>Total</i>		20	16
TOTAL		100	79



Evaluation

Major criteria:

The thesis presents a hypothesis as to whether the definition of genocide reflects the needs of international law and politics of the 21st century. In order to answer the question, it presents the most important legal issues discussed by authors of international law doctrine, such as the scope of protected groups, the strict requirements of the *dolus specialis*, etc. It however logically limits the analysis to the material law as the definition of genocide is part of it.

The thesis occasionally contains inaccuracy when using or interpreting legal instruments as well as in using certain legal terminology (e.g. omitting X denial etc.). Although troubling, nonetheless, it mostly does not prevent the reader from understanding the meaning intended.

Nonetheless, it would benefit the text if mechanisms such as state responsibility were more accurately analyzed. Also, although art. I of the GC explicitly only identifies the obligation to prevent and punish genocide, it is not the only obligation a state has in relation to the crime. The author says so but then confusingly states something unclear on page 42.

Regarding the hypothesis, the thesis presents strong cases for the enhancement of protection of several identified groups, criticizes the strictness of applying the *dolus specialis*, etc. While the author herself sometimes admits that the strictness may be in many cases the distinguishing factor of the crime of genocide, she points out some of the most important and discussed topics when it comes to the possible amendments of the definition.

While I agree that the definition deserves amending in some of its parts in order to satisfy the needs of the 21st century, I would be more hesitant in other. Particularly in relation to the *dolus specialis*. The author is right that it is a strict requirement. I am not however convinced that its relaxation would lead to desired effects (especially considering that even acts not constituting genocide can still be crimes under international law). The more appropriate path might be to interpret it more clearly.

In conclusion, the thesis reached its specified goal with acceptable success, using proper sources and conducting analysis in the most relevant areas of law.

Minor criteria:

The thesis uses most relevant sources when it comes to primary law – e.g. the UN Genocide Convention, the Rome Statute. It does not limit itself there however and uses even sources that many students often (but mistakenly) omit, such as the work of the International Law Commission.



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The text is divided into introduction, first chapter on general topics, second on the *dolus specialis*, third on the protected groups, fourth on *actus reus*, fifth on the international relations, and finally the conclusion.

I would prefer if the *actus reus* was analyzed first and *mens rea* subsequently, as it could help the author in presentation of some of her arguments. The way it is now, she occasionally needs to go into details based on research that has not been presented in the chapters yet.

When referring to doctrine sources, the author sometimes omits to add pages of the referred text. In cases of UNGA or UNSC resolutions, the references should include their numeric codes. When referring to international treaties, the author sometimes uses abbreviation ICJ (International Court of Justice?) which is quite surprising. I would rather suggest using the UNTS code. When referring to case-law, in order to avoid confusion, the particular decision in referred case must be properly identified (because there are often many within one proceedings). Footnote 170 is missing.

Assessment of plagiarism:

Although the plagiarism report indicated higher amount of identical text, it is in almost all cases caused by references to sources under unified system used internationally (thus the congruence) or by properly quoted pieces of text.

Consequently, I found no seriously problematic parts of the text from the perspective of plagiarism.

Overall evaluation:

Based on the above-stated, the thesis has reached its set goal and I thus recommend it to the defense.

Suggested grade:

“C”

Signature:

JUDr. Milan Lipovský, Ph.D.