

ABSTRACT

The purpose of this thesis is to look into the crime of genocide and Thailand's accession to the Convention on the Prevention and Punishment of the Crime of Genocide 1948 (hereinafter called the "Convention") and Thailand's rights and obligations under the Convention when it is acceded.

This thesis focuses not only on the Convention itself, but also on other treaties related to the crime of genocide, for instance, the Statute of the International Tribunal for the Former Yugoslavia 1993 (ICTY), the Statute of the International Tribunal for Rwanda 1994 (ICTR) and the Rome Statute of the International Criminal Court 1998 (ICC). Furthermore, there are cases, decisions and practices concerning the crime of genocide of the two *ad hoc* tribunals, namely ICTY and ICTR, the International Court of Justice (ICJ) and national courts.

Before the Convention was adopted unanimously by the General Assembly of the United Nations on December 9, 1948, the prohibition of genocide had been established by state practice and recognized by international community as *jus cogens* (peremptory norm) constituting *erga omnes* obligations, binding upon all states, including states not parties to the Convention. The provisions of the Convention are not only compatible with other branches of international law namely human rights, international humanitarian law and international criminal law but also formulating significant principles on the protection of the groups of victims of the crime of genocide, on individuals' responsibility for the said crime and on the universal jurisdiction of states parties to the Convention over the said crime which forms basic substantive provisions of the Statute of the International Tribunal for the Former Yugoslavia 1993, the Statute of the International Tribunal for Rwanda 1994 and the Rome Statute of the International Criminal Court 1998 (ICC). Therefore, it is unambiguous that the crime of genocide constitutes a serious crime affecting international community to the extent that such crime must be condemned and severely punished.

The study reveals that although, in Thailand, the crime of genocide has not occurred, Thailand's position on prevention and punishment of the crime of genocide

which is recognized as *jus cogens* should be explicitly expressed by accession to and implementation of the said Convention and have necessary legislations to give effect to the provisions of the Convention, and, in particular, to inflict effective penalties for persons guilty of genocide or any other act enumerated in the Convention.