



# **CRIMES OF GENOCIDE: AN ANALYTICAL STUDY OF THE EFFICIENCY OF INTERNATIONAL CRIMINAL LAW IN PROTECTING ETHNIC AND RELIGIOUS GROUPS**

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<b>Article history:</b>	<b>Abstract:</b>
<p><b>Received:</b> 10<sup>th</sup> August 2024  <b>Accepted:</b> 8<sup>th</sup> September 2024</p>	<p>Express issue Protection Criminal International For groups Religious And ethnicity from Highlights Mission in the law International year, And this Importance come from necessity protection Rights Humanity And when You meet him from Violations Physical And for not Availability deterrent radical For frying from This is amazing Practices , So it was security essential from to provide protection Criminal she has from International aspect And the local , And that According to For treaties Legal that It was completed Mention it in Charters and agreements International In a way private order Basic To the court Criminal International. It is evident Problematic the study in that rights Groups Religious And ethnicity You are exposed To destroy on about comprehensive , And on Although from construction court Criminal International Concerned in accounting Perpetrators that Crimes And during this Search It becomes clear for us What is it? Protection Criminal International For rights Groups Religious And ethnicity, and rights The reserve Internationally According to The court Criminal International, and the efforts made from side The court Criminal International from Side , And For devices International Other concerned With rights This is amazing Groups from Side second .</p>

**Keywords:** Protection criminal, Groups Religious And ethnicity, The court Criminal International, the law International

## **INTRODUCTION**

that This is amazing the study It deals with Protection Criminal For groups Ethnicity And religious on consideration that Protection Criminal she Highlights Types Protection Legal and Most of them Influence on life Human And his freedom, And seeks this Search to clarification concept Protection Criminal For groups Ethnicity And religious in Context the law International In addition to clarification What is it? genocide Collective Protection Criminal International she The means Basic that I depend the society International On it before Challenges The big one that facing Groups Religious And ethnicity Which form Crimes International, And that from Crimes Dakhla in Her specialty It is from Highlights Crimes And most of them Destructively For this Groups Religious And ethnicity, andY year 1948adopted The Association General For the nations United treaty to forbid Anti crime genocide Collective And accounting On it, And It was completed Accreditation Definition she has That it is:application One of Practices Incoming in The material First from Treaty For the purpose genocide In a way Totally or partial For the group what on principle Religion or

Sweat And It has multiplied Practices that It is considered extermination Collective house killing, And annexation Damage Material And the moral For others, or transfer children, For this maybe consideration This is amazing Crime in level Advanced Highlights Types Discrimination racist, Which It is done Apply it against group Specific , And Highlights Its characteristics That it is Be against policy nation Systematic And organized, For the purpose Judiciary on group specific, this what Makes Crime in telescope adult Danger on the society Human And the difference Ethnic Including work on Judiciary on group Specific inside Country same or country last in Wars It is Breakthrough For rights man And rules War Multiple  
 It is evident Beneficial this Search from Throw it Light on one from Highlights Crimes And most of them Destructively And a threat To exist Humanitarian so that what Enjoy To This is amazing The Harem he Practice it Really about sweat, or group specific, building on policy Pre-order , And he is what Back in His roots to Discrimination racist The one who stands on the color, or sex, or Sweat, or Religion, etc. And this The principle, We say that Go The community International to Anti



crime genocide Collective Shows desire the world And the community International, to importance Nobody from damage Groups Religious And ethnicity, Therefore Protect them under Shadow the law International .

### **Chapter One: The nature of international protection for crimes of genocide:**

that Individual when He works on Doing By any means a job It is considered According to the law International crime It is necessary Hold him accountable on This is amazing crime, And punish him On it , It includes on that the law Criminal International that It means By defining crimes And the penalties Which It is considered in origin he Specialist in to provide Protection Criminal International For individuals who violate Their rights or To save Their interests, And it can that He is For some Atmosphere thelaw International Other role in This is amazing The process And it is considered like that Protection Criminal Highlights Branches Protection Legal.And situation the law International some Measures, from Okay insurance Protection Criminal International For rights man And specify some Rights that He should protect it, And so Bat there protection Criminal International active

### **The first requirement: The concept of criminal protection and its sources:**

Protection Criminal she Highlights Factors Protection Legal And most of them benefit on Groups Humanity Its freedoms and the most important thing it relies on is the law Criminal that Specialize in Its principles And its texts With insurance This is amazing Protection And interactsWith him parts Other fromparts the law.(Bassiouni, 2007, p. 121) and that concept Protection Criminal International For rights Man is sentence Standards and principles theLegal that Tetsm comprehensiveAnd abstractionAndFor you Approved by community International in appearance Treaties Binder And legal For the purpose save rights manThe convict from aggression Authority General Its standard The lowest, Which It is considered The element Subscriber between the people in Context Justice And not bias in Shadow anticipation international specific"(Al-Kabbash, 2008, p. 68)

.And Includes order Basic To the court Criminal International on Style Legal For protection HeavenAesthetic For rights man The robbed And that via a base order Main that Includes in Degree The first on that formation The court He is With the aim of to publish The ladder and Security International To enhance Relationships Common between Peoples that It is manifested in Cultures Peoples, And also states order Basic on Crimes Dakhla And the follower To the court Which It is consideredABreakthrough big For

safety Individuals (Al-Hossani, 2012, p. 45) In addition to that a guarantee safety And rights Humans Bat in world today from Highlights Criteria nation Democracy Sovereignty the law, what It means that CountrytheT Support This is amazing Rights And achieve Guarantees Comprehensive she has she nation Evolution And prosperity, Determine the distanced That Bat Individual Highlights Elements the law International The year"(Al-Jundi, 1998, p. 59)

And Rights The reserve Criminally in order Main To the court Criminal International Right to LifeAnd "And he is Most important rights man Criminal , And he is right Obviously , Owns it And the human being By instinct andmay It included all Agreements and protocols International on this Right And its importance Lost Included Article 3 from Advertisement Global For rights man on right man in life And his right in freedom And AThis is itThe The news is identical catch up life And rose male Right in life in The material3from The Covenant International Related With rights Civil And political.(Al-Khatib, 2010, p. 89)

that concept Minority Expresses on "group from Citizens country specific conflict with The majority in Belonging Religious or Ethnic or Ethnic , And often what You need Minorities Ifor me laws Take care Protect it And her freedom Religious And ethnicityAnd youY You get on equality with The majority in Decoration With freedom"(Daher, 2011, p. 45)

andthat The Covenant International Related With rights Civil And political did not Establish Rights she has after collective And only He was for him Changes rate on Advertisement Lost Included The material17from The Covenant on Force The countryWe collect themthat Contains on Minorities By allowing she has With graceBy her freedomPrivate"andI have About me order Basic To the court In a way active With rights Minorities And that via Texts of Article 2 From aFor the system that Included on some Crimes that It is assault on rights Minorities order Basic To the court Criminal International)

### **Second: Sources of international criminal protection:**

#### **First: International Human Rights Law:**

It is the law International For rights man Highlights Sources International For protection Criminal For rights Man and the front With this the law Requires that We delve deeper to concept the law International For rights man, And the sources Basic for him , and Its effect in save rights Individuals.(Bassiouni, 1998, p. 38)

and the law International For rights Man is sentence Principles Legal season Generally And abstraction that Approved by community International And I announced it in image Treaties International For the purpose save



rights Individuals from any assault The authorities The ruler or Her shortcomings, And diversity The standardThe lowest MN Protection that no He should For countries AFor membersOh Going down About her In a way TotallySoNak MN He sees thatthe law International For rights man component from Elements the law The year that Includes on principles And rules For rights man.(Al-Kabbash, 2008, p. 56)

### **Second: Advertising Global And the covenant International in protection rights man:**

It is.all from Announcementthe world Global For rights man And the covenant International from Highlights sources Criminal protectionAnd International For rights man And for all Of them effect FY This is amazing Protection

It is considered Advertisement Global document International I took With it Nations United in general1646And I have He was there conflict in standard Its necessity whensome Countries There is some Countries that You see it necessary And the country Other You see it not necessary, It is considered This is amazing Document from The Charter.(Article 108-109 of the Charter of the United Nations)"But While Related By the effect that He practices it. ATo advertise in protection rights the people He is not for him effect in protection . For the laws that Requires that Ybeing goal toall Peoples, The advertisement He does on Grooving part from rights man, maybe not that He specifies on any level can Individuals Benefit from With this rights, gesticulate she (2)ASleep Protect it And guarantees Implement it"(Abu Lahibf, 1993, p. 41).

### **The second requirement: criminal protection methods**

#### **Firstly :Criminalization According to the law National**

I have He was formation The court Criminal International a result Desire in Support and response Difficulties that I did it Breakthroughs Many For standards the society International And the law International Humanitarian and principles Humanity And high number Victims from people this universe that they Victims Practices Criminality no We can solution Its results Except By establishing a system legal Supports concept Consolidation Justice And it is strengthened Rules system)1)worldwide new"(Tweeting, 2003).

"And it is code To eliminate Humanitarian before and challenges Violent For rights man And domination on His life And it is image Legal It was completed variety By will International And with support between Members the society The do for me It is evident in image treaty pledge With it Countries The signed With approval on Autism Legal To spend it with This is

amazing Image New And he isExceeds Sovereignty Legal not that it TM Confirm it from Authority Legislative in all country , And that's why he GPart from the law, andmay Includes order Basic on that"Adhere to Countries Parties, Accordingly For the provisions this The door According to Its criteria National, For orders that It was completed Her approval from The court To submit Support While Related By investigation theprosecution"(order Basic To the court Criminal International, Article 93)

like:hiring identity And place presence Individuals or place Things, or collection Evidence, orinterrogation The person place Investigation or Litigation , or Transport Temporary For people, to implement orders Inspection And reservation, or protection The victim On them And the witnesses And the governorate on Evidence, or any type last from Help the Forbidden law The State The wave To her demand, For the purpose of facilitation works Investigation and litigation Related By crimes that to intervene in specialization The court.(Al-Shadifat, 2006, p. 55)

-that it there to support strong For the law NationalMN beforetheAnd Parties And the effect adult in Empowerment The court Criminal International in Measures Investigation and litigation, and that there link solidAndIt isn thelaw National And the system Basic To the court Criminal International where It is considered all Of them WishingTo the other, This cooperation And participation from side the law National Helps in to improve Protection Criminal For rights man And seeks order Basic To the court Criminal International to Consolidation Foundations trial Fair to punish Perpetrators Crimes International Which she from specialization the society International Overall , And aims)2)order Basic and treaties from International same Relevance to Support higher grades Justice Criminal.(Babassioni, 2003, p. 34)

### **secondly:principle Responsibility Criminal Individuality:**

previously did not It is not There is any responsible Criminal For people on Crimes International that It is done He did it And back

principle"Responsibility Criminal Individuality" in phase War Global First The second,

And After that grew up system court Nuremberg And announced Responsibility Criminal For individuals And that that They were Politicians or Military, then I acknowledge that system My court Yugoslavia Rwanda, a result Hacks Many For the lawtheinternational Humanitarian And the law International For rights Human, andPopular principle Responsibility Criminal Individuality previously in treaty genocide Collective And accounting On it general1646that Includes in Its



material Fourth on that It is done accounting from They practice genocide Collective or any from Practices In a way individual"mentioned in The material Third.(spider,2010,S44)

But While Related In court Criminal International It is done Accreditation Responsibility Criminal Individuality when Practice Individual crime no Related In the country what only but rather that Its results extend To include the society International altogether, And threatens The ladder and now International, where He is The person that Mary Crime He endures Her responsibility before The court As a person And he is will It is done Hold him accountable, whether He did it lonliness or with others or One what responsible About her whether His order or foot for himIGlues(Sultan,2008,p128)

### **The requirement the third:genocide Collective in order International**

that Difficulty that It is manifested in crime genocide Collective on level Individuals in that it Start from that it Not Towards person We define In his eyes but rather she Towards Groups Complete , And more what makes it Unique on Crimes The other that it It is done Practice it in any time whether He was there Wars or no This what makes it topic research between the law International For rights man And the law Criminal International And here Hey It has become form Dangerous on Communities all(pasture,2016,,p45) as He knew her The thinker(Graphene)Is it her?"non Recognition Really Groups Humanity in Existence And it is equal killing that he right denial right man in Stay"andI have sought the society International to study This is amazing Crime in Treaties International, Lost Consider it crime It is done Accounting On it According to For the law International as rose in The material1from agreement to forbid crime genocide Collective And punishment On it For the year1951.father Bakr,2013,p39)

And Included The material(2)Treaty on that it:Includes all from Practices The following, that It was completed Practice it on Intended Destruction Total or Partial For the group nationalism, or Religious , or ethnicity, With its characteristics This is amazing:

A.killing Individuals from Collective.

for. Harm community In a way material or moral

G.situation Groups In a way intended in in Statuses Living Bad I mean With it smash it In a way complete.

D.coercion With procedures You seek to forbid Giving birth children within community.

h.transfer children from Groups In a way intended to Groups second".(agreement to forbid genocide Collective, material2)

And Includes Charter(Rome)The place To the court Criminal International to Count it from specialization The court, It included on nature Crime in The material(6)on that:very this order Basic I mean for "unlessBadaCollective"any practice from Practices The following It is done Practice it For the purpose destruction A pearl nationalism, or Ethnicity, or ethnicity, or Religious With its characteristics This is amazing In a way complete or Fragmented:

A. ending life Individuals from The group.

for.get harming material For individuals The group. (system Rome Basic To the court Criminal International ,1998)

and that Challenges that Represented by This is amazing Crime on Countries And the results Negativity that Its backwardness on Generations the future Made the society International He works on Standing before This is amazing crime, And that via Formulate group from Treaties International that I became Prepare it Element from the law Criminal International, Therefore pointed out the society International that This is amazing Crime on the society International Overall.It is in Its danger assault , no Based on on It's a crime. Local. (The worekat,2016, S66)

so It is treaty Standing in face crime genocide Collective And accounting On it she The principle Legal International Which I coordinated pillars This is amazing Crime And its features And the mechanism Apply it , And the mechanism combat it And accounting On it, And it is considered Treaty Obligatory on Countries all, And that and that She was from Perpetrators Crime or no did not It is from Possible Consider it A matter Individually, and that practice This is amazing Crime did not It starts Topic internal Related Affairs Country internally only where a job the society International to Search in This is amazing Crime via make Her responsibility especially In the country, And apply on Individual before the society International, And manifested in being annihilation Collective crime to intervene in affairs The court Criminal International, And that According to The material5From it(document court Criminal International,2000)

Section Two: The Role of International Agencies in Protecting Ethnic and Religious Groups

I haveRa interest In groups Religious And ethnicity in the law International in The century18By treaty Paris1856And conference Berlin1888that I announced restriction forsafety Groups Ethnicity And religious from side Countries Christianity that I resigned on The State , then treaty Versailles To protect Groups Ethnicity And religious Accordingly For the material 86/93from Charter League Nations, then on Authority level Nations United I grew up document rights Minorities1993,and



the agreement that I approve it European Union 1998 To protect Groups Ethnicity And religious (Hindawi, 1997, p. 51)

### **The first requirement: the role of the Security Council**

It is considered Msat down Security It is the device Executive For the organization Nations United This is because it has the high potential to set standards and decisions against countries in order to achieve international security. In recent years, the Security Council has not interfered much in matters related to...rights man And to support this Opinion Independence between authorities council Security And the association General They are counting Two bodies Independent no They share In the specialty, when there is something related to Conflict Specialization Stop The Association General on Search in Topics The proposed when It starts council Security His specialty Regarding. In this matter (Alwan, 2014, p. 66)

The issue of protecting ethnic and religious groups from genocide, ethnic cleansing, war crimes and crimes against humanity has had a much greater impact on the Security Council than it did in 2005. More than forty Council resolutions have been supported, they are effectively integrated into most UN peace operations that call for the protection of civilians, and ten of the Human Rights Council's recommendations and decisions have been adopted. (UN Document, 2016)

and that Acknowledgement International With rights man And insurance Protection International for him Something. Can't be ignored. and that Rise Countries By rags Continuous What is meant? For rights man from His affair that threatens The ladder and Security of the people And Systems the chapter Seventh from Charter Nations United condition to threaten The ladder or breach of security And even He does council Security By doing all the procedures Incoming in this the chapter Requires attic beginning Verify from to be thereto threaten Peacefully Then follow the necessary procedures (Hassani, 2017, p. 79)

and that procedures International Humanitarian For the purpose protection man from genocide Collective in SiaQ AFor nations United wave about Countries the T You do By hacking For rights Its citizens or Foreigners who They live in in within Its borders or in Countries that There is In it Wars Eligibility And operations genocide Collective And purification Ethnic And my religion on In a way big and It is necessary take procedures The crisis, According to this Lost Bat Intervention by force To stop Operations genocide And sweat cleansing Y acceptable. and that For the nations United Trace .FAbove in protection rights man that It is necessary situation border by force To stop

Operations genocide And purification Ethnic (Suleiman, 2006, p. 123).

In document No. 138 of the 2005 World Summit Document, member states were called upon to prepare, establish and secure a United Nations early warning capacity. In the statement entitled "Early Warning, Assessment and the Responsibility to Protect," the Secretary-General of the United Nations stated the support of member states for the mission of the Secretary-General's Special Adviser to Stop Genocide, and indicated that the work of the Special Adviser is manifested in the following:

First: Obtaining data related to serious violations of human rights and international humanitarian law, especially crimes related to ethnic and religious groups in particular, which may lead to crimes of genocide.

Second: Early warning to the Secretary-General of the United Nations, and through him to the Security Council, to draw its attention to situations that may result in the occurrence of genocide crimes. (United Nations Document, 2016, p. 54).

### **The second requirement: The role of the International Criminal Court:**

that first emergence For the concept (genocide Collective in the law International , He was 1944 from during The thinker Polish Lemkin Raphael that He was Consultant To the ministry War The return For the states United American", For the purpose Tstatement Features Crimes that She did With it Nazism during War Global Second, and He did By approximation H that It is done naming Practices that Seeking to ending Groups Ethnicity, And For religious, That it is It is considered One of Crimes law Peoples, And he did By dividing This is amazing Practices to Practices It was completed Direct it about Principles Cultural For groups, and practices It was completed Doing With it to destroy faces D Material To the other, And he did By creating treaty International To eliminate on This is amazing Crime And punishment On it And it was Persistence on situation Treaty Suggested after 2 years from suggestion Lemkin from before Mr. Pell that He did By modification The proposal the previous. for Fball construction court Criminal International To protect rights man" (Nasr, 2011, p. 93).

It has become The court Criminal International landmark in Judiciary Criminal International, so It is Form it crossing from phase Courts Criminal Private With all phase independently, And he is Style that It was completed Apply it since War Global First, As a result Nuremberg, And a court (t) And Q ), In 2001, the International Criminal Court became the judicial representative for prosecuting crimes against humanity and genocide. (Suleiman, 2006, p. 67)



It has been formed The court Criminal International According to system (Rome) Mainthat It was completed His approval on the date17(July) 1998The application has been started The Charter on the date June2001According to text The article126)from The Charter,And He was Formation aTo the court Meet For claims International that sought to a guarantee non evade The accused By committing Crimes warAnd crimes against Humanity from Punishment from side, For help in that Be Durable meansin Stop Conflicts Armed acrosstrial Criminals And achieve Justice totoVictimsthatThirsty RgesticulateBasic To the court Criminal International Certified from before conference Nations United Diplomat For Commissioners )

It becomes clear for us that it in Years past It happened Developments Tfoot Big in go to Acknowledgement Justice Criminal International, The two courts The two criminals The two international Yugoslavia Previous And Rwanda, And the court Criminal International And inflation circle Countries that apply The provisions Judicial Global on Crimes The perpetrator Against Humanity She is All of them Domination Attention On This is Step New in Search on Justice Criminal Global,where Sharia the society International In steps Many To organize Judiciary International His goal Confrontation For violations The body Rights Human Specifically in time War And conflicts Armed Which multiply with the time So, you can reach To create The court Criminal International For the benefit of Generations Current And the next one As well rose in Its law Basic and that Her specialization Includes Crimes The most harshness Which is happeningAnxiety in the society International, This is it The court Allows For her Following up And trial Perpetrators Crimes International And my mission They were And any It was Their salaries Politics andAnd the military (Alwan, 2014, p. 61)

and that topicRightAnd religious and ethnic groups from Issues The Law International Criminal The most importance On The square International Because of interest International It was confined to The accused Only, not that risk Crimes The perpetrator In addition to progress role Organizations Legal It required strengthening Center Victims of ethnic and religious groups and rights Private With them, And I submitted The court Criminal International System Looking into rights victims, And subject to This is amazing Rights For guarantees The trial fair, And also I confessed ATo the court With victims (Genser, Cotler, 2011)

**The third requirement: International agreements that criminalize genocide:**  
Firstly :dealIcame The Hague For a year1899\_1907

And it is It is from Most important Pillars Home For the law International Humanitarian The oldIM, It is considered MN Highlights Its elements Home that I announced that genocide intercourseIAndcrime, And that In the picture GIR directly, And this The two agreements Related By factor And he is generaltomartens, And in a picture Ashit principle MartINz he factor essential Bastand on importance presence ProtectIAnd For groups And the soldiers in War until And did not There is a base It states on that, and that IBe under wing authority And constitutionthe law International (Al-Basisi, 2016)

Second: Advertising The commoner For rights man: For the purpose to publish The ladder And security The worlds, To save rights man And guarantee freeIte from penetration, announced organized Nations United Acknowledgement advertisement Includes in Its materials respect rights man And his freedom, And he is Advertisement Global For rights man that a job onCriminalization and repression all Practices BishtTo theShapes painHanging With rights man without taking into account consideration from Practice it that They were Individuals or Groups (Zian, 2013, p. 80).

Third: Agreement JinnIF1949: It is considered dealIAnd JinnIF from Highlights Props Home in a guaranteeAblood breakthrough principles The law International Humanitarian, It is evident in four Agreements, And during material50And material51And material 130 And material147from dealIat JinnIF The four And the rank on sequence Chest Agreements andTheir subscription in hiring Practices that It is considered Breakthrough For the law International Humanitarian And Highlights This is amazing Practices: killing Mayors, and Treatment immorality.(dealIAnd JinnIF First )

**Wonderful-treaty Versailles1919:**  
She was treaty Versailles after end war the worldIAnd First, And it is It is first Agreement organized dragIWhat is it? genocide intercourseIAnd, IbexIh Based on Responsibility of theLeaders Leaders Germans And the emperor on all Crimes CountriesIAnd, Which I broke through law International Humanitarian, And it is considered first treaty It started With an idea\$stay court CrimesIAnd CountriesIAnd Specialized, Specializes in By punishing Perpetrators Crimes CountriesIAnd Without bit in Its location Legal (Boubaker, 2012, p. 71)

**Fifth: The Geneva Conventions of 1929:**  
togetherThis is it JinnIF that Belongs to Her approval ExtendINah JinnIF For the year1929, To guarantee safety LaughIA War that did not You can Principles the lawIAnd Its approval, For treatment issue ProtectIAnd laughedIA war, I announced the government The SoIsecretIAnd a contract conference, Includes



on47Representative on The state, gesticulate conclude from This The conference, he advertisement three Treaties, the first He is characterized by around interest By putting The wounded And the patients And he protectedICharges from Soldiers, The second Related In HamaIAnd The wounded And the patients from Forces Armed On MissTwi the sea, forIGrow the third IAbout me With interest With victims War Detainees.(Fariha, 20014, p. 261)

### CONCLUSION

a summary Saying that Protection Criminal International will remain field Deterrent from Areas the law International To exterminate Collective And that a result Its procedures Continuous in protection Groups Ethnicity And religious and that numbers Treaties and agreements International Related With rights man did not Enough To establish Justice Criminal International, And it was from essential construction court Criminal International Permanent from Okay investigation all Guarantees Also To save rights Groups And guarantee The law International generally , And accounting Criminals who They practice Crimes International , valley entrance The court space running out in to mitigation Crimes International Practice Then Protection Criminal International For groups Religious And ethnicity It is embodied In the picture the law International criminal, And decisions council Security And the court Criminal International And I have He was per from the law And the judiciary International Impact adult Importance in practical statement pillars This is amazing Crime crime What is it? And define it And that according to Text On it in treaty curb crime genocide Collective.And After that Its roses in Specialization Objective per from The court Criminal Private Yugoslavia, And the court Criminal Private Rwanda , And then Add it to Specialization Objective To the court Criminal International Being It is court Permanent.

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