



Tonga

GENOCIDE ACT

Chapter 4.05

2020 Revised Edition



GENOCIDE ACT

AN ACT TO GIVE EFFECT TO THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE¹

Commencement [31st March, 1970]

1 Short title and interpretation

- (1) This Act may be cited as the Genocide Act.
- (2) In this Act “the Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on the 9th day of December 1948.

2 Genocide

- (1) A person commits an offence of genocide if he commits any act falling within the definition of “genocide” in Article II of the Genocide Convention as set out in the Schedule to this Act.²
- (2) A person guilty of an offence of genocide shall on conviction on indictment —
 - (a) if the offence consists of the killing of any person, be sentenced to death or to imprisonment for life;
 - (b) in any other case, be liable to imprisonment for a term not exceeding 14 years.
- (3) Proceedings for an offence of genocide shall not be instituted except by or with the consent of the Solicitor General.

SCHEDULE*(Section 2)***ARTICLE II OF GENOCIDE CONVENTION**

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious, group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

ENDNOTES

¹ 1988 Revised Edition Cap. 19 - Act 8 of 1969;
Amending Acts after 1988

Amending Acts	Commencement
Act 9 of 1995	12 October 1995

² Amended by Act 9 of 1995