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SUMMARY RECORD OF THE 30th MEETING

Chairman. Mr. MIKULKA (Czechoslovakia)

later: Mr. TUERK (Austria)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 145 : REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIRST SESSION (continued) (A/44/10, A/44/40 and Corr.1 and 2, A/44/475)

AGENDA ITEM 142: DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND (continued) (A/44/73-S/20381, A/44/75-S/20388, A/44/77-S/20389, A/44/123+/20460, A/44/409 and Corr.1 and 2, A/44/465)

1. Mr. CRUZ (Chile) said that his country wholeheartedly supported the Commission's mandate to draw up a Code of Crimes against the Peace and Security of Mankind, taking a restrictive approach and limiting the text of offences of the utmost seriousness. Chile therefore welcomed the fact that the two alternative texts for draft article 13, on war crimes, as submitted by the Special Rapporteur, contained the concept of "seriousness" in connection with the definition of such crimes, since - as pointed out by the Special Rapporteur - no distinction had so far been drawn between acts regarded as war crimes on the basis of their degree of gravity. The draft article should refer to "serious violations of the rules of international law applicable in armed conflict" as war crimes, because only extremely serious acts could be classified as crimes against the peace and security of mankind. Chile was therefore in favour of the second alternative submitted by the Special Rapporteur, including paragraph (c), which contained a non-exhaustive list of war crimes. In addition to limiting war crimes to serious violations, that approach would make it possible for the draft Code to cover new acts that might constitute war crimes in the future.

2. With regard to draft article 14, on crimes against humanity, as submitted by the Special Rapporteur, Chile endorsed the distinction drawn by the Special Rapporteur between war crimes and crimes against humanity. Crimes against humanity constituted a separate category, even though some acts in that category might also be classifiable as war crimes. In any event, Chile would have preferred to see a more rigorous approach taken to the text under consideration, from the legal point of view. It would no doubt be possible to find a solution that would take into account the greatest possible number of acts that could be characterised as crimes against humanity, but that would at the same time be free of any elements that might give rise to political interpretations.

3. As to the preparation of a statute for an international criminal jurisdiction, it was only once final agreement had been reached on the draft Code that it would be appropriate to seek a consensus on such a jurisdiction, which should have competence only in respect of individuals.

4. On the issue of international traffic in narcotic drugs, many countries had signed the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and many of those countries, including Chile, had reached an advanced stage in their internal steps with a view to ratifying the Convention. The norms laid down in the Convention were the most appropriate for establishing effective machinery for international judicial co-operation in the field in

(Mr. Cruz, Chile)

question, and such machinery must not be adversely affected by the draft articles currently before the Committee, without prejudice to the fact that international traffic in narcotic drugs could be regarded as both a crime against peace and a crime against humanity .

5. The topic under consideration was of sufficient importance to warrant its inclusion in the Commission's report) it should not be dealt with under a separate item as it had been in recent years.

6. Mr. ECONOMIDES (Greece), referring to the two alternative texts for draft article 13, on war crimes, as submitted by the Special Rapporteur, said that Greece had somewhat of a preference for the second alternative. However, first, further acts should be added to the list of war crimes set out *in* paragraph (c) of that alternative, particularly acts relating to sea warfare. Second, the word "customs" should be included in the text *of* the second alternative, since much of the law relating to sea warfare had not yet been codified. Third, the second alternative did not take sufficient account of new developments relating to the operation and the scope of the military-necessity clause, In particular, the second alternative reflected neither the spirit nor the letter of article 57, entitled "Precautions in attack", of Additional Protocol I to the Geneva Conventions of 1949.

7. With regard to draft article 14, on crimes against humanity, as submitted by the Special Repporteur, Greece supported the views expressed at the previous meeting by Tunisia on population transfers and the settlement of territories. [illegible] the whole of paragraph 4 of the article should concern occupation of a territory, and paragraph 5 of the article should be worded more clearly. Lastly, Greece was in favour of including in the list of crimes against humanity serious damage to the environment, to archaeological sites, to historic monuments and to places of worship, as well as international traffic in narcotic drugs. Greece supported the three draft articles provisionally adopted by the Commission at it6 forty-first session. Draft article 13, on the threat of aggression, was a key provision that usefully supplemented draft article 12, on aggression.

8. Greece wished to suggest that the Commission should consider establishing as a separate *crime* against the peace and security of mankind deliberate non-compliance with binding Security Council decisions designed to put an end to a case *of* aggression and to eliminate its criminal consequences, such a6 in the case of unlawful military occupation. Both the threat of aggression and aggression itself had already been identified as crimes against peace. It would clearly be desirable to provide for penalties for aggressors who deliberately violated Security Council decisions. The draft articles would be incomplete if they did not ensure that international legality was definitively restored. Furthermore, in addition to the work carried out by the Commission on the draft Code, to which it should give priority, consideration should be given - either in the Special Committee on the Charter or in another committee that might be established - to the vital issue *of* strengthenina the system of international security provided for by the Charter.

9. Mr. Tuerk (Austria) took the Chair.

10. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that hi6 delegation noted with satisfaction the progress made in the International Law Commission's work on the draft Code of Crimes against the Peace and Security of Mankind, and, in particular, the provisional adoption of three new articles to supplement the list of acts, constituting crimes against peace. The view generally held in the Commission that each crime in the draft Code should be dealt with in a separate provision was highly noteworthy. The fact that the Commission'6 member6 were generally agreed on the need for the draft Code to reflect contemporary political realities and the result6 of and trends in, the progressive development of international law was evidenced, in particular, by the attention given to such issues a6 the use of weapon6 of mass destruction, the practice of apartheid and genocide, intervention in the internal affair6 of other States and the establishment or maintenance of colonial domination. His delegation shared the view of those members who considered that the inclusion of a provision on the use of nuclear weapon6 would greatly strengthen the preventive function of the draft Code. It agreed with the Special Rapporteur's proposal for the inclusion of serious harm to the human environment among crimes against humanity8 such a step would be consistent with the development of the concept of international ecological security, of which hi6 country was a sponsor. His delegation also agreed that the future instrument should contain a provision qualifying international drug trafficking a6 a crime and welcomed the Commission's decision to request the Special Rapporteur to prepare such a draft provision for its following session.

11. Turning to article 13 provisionally adopted by the Commission, he said that treating the threat of aggression as a separate crime against peace corresponded to the principle of non-use of force in international relations embodied in the Charter and many international treaties and instruments. Threat of aggression was practised as often, if not more often, a6 direct aggression) it pursued the 6ame goals and entailed equally serious consequences. Although the forms in which aggression and threat of aggression were committed and the gravity of the damage caused might differ, both crimes represented a threat to international peace and security. In that connection, he associated himself with the view expressed by some members of the Commission concerning the role of the Security Council in determining the existence of a threat to aggression. A provision referring to the Security Council, similar to that incorporated in article 12, should be included in article 13.

12. His delegation took a positive view of article 14, vthich qualified intervention in the internal or external affair6 of another State as a crime against peace. Intervention was often practised with the aim of achieving the submission of another State or obtaining specific privileges from it and represented an infringement of the other State's political independence and a violation of its sovereignty. His delegation agreed with those member6 of the Commission who considered that intervention did not necessarily involve the use of armed force, and was therefore in favour of dropping the word "armed", currently appearing in square brackets. It also approved of the Commission's decision to include colonial domination and other forms of alien domination in the draft Code. As for the question of the implementation of the draft Code, he noted that the possibility of setting up special tribunals to consider specific cases at the

(Mr. Stepanov, Ukrainian SSR)

request of the States concerned was provided for both in the Convention on the Prevention and Punishment of the Crime of Genocide and in the International Convention on the Suppression and Punishment of the Crime of Apartheid and remarked that, in view of current prospects for the establishment of a universal world order based on the primacy of international law, the emergence of new approaches to the implementation issue was not excluded. In conclusion, he reiterated his delegation's strongly held view that the elaboration of the draft Code should form part of the Commission's priority tasks and should continue to appear as a major independent item on the agenda of the Sixth Committee.

13. Mr. DEL POZO (Bolivia) said that his delegation preferred the second alternative submitted by the Special Rapporteur as a new version of draft article 13, on war crimes, since it contained a reference to the rules of international law and was therefore more comprehensive, Bolivia was pleased to note that the word "war" had been replaced by the expression "armed conflict". The list of war crimes set out in paragraph (c) of the second alternative should include the use of weapons prohibited by the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare and by the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapon, and on Their Destruction. It was also very important that the use of nuclear weapons should be included in the list of war crimes. As to crimes against humanity, Bolivia noted with satisfaction the context of subsection 2 (b) of the Commission's report on genocide, However, some of the terms used by the Special Rapporteur in drafting article 14, paragraph (1), were not very clear. Bolivia endorsed the statement made by the representative of Venezuela in that connection. It supported the consensus reached in the Commission on the second alternative for draft article 14, paragraph 2, and was in favour of deleting the words "as practised in southern Africa" from the text of that alternative. It wished to emphasize, however, that its position on apartheid in southern Africa remained unchanged, It endorsed the views expressed in subsection 2 (d), (e), (f), and (g). With regard to subsection 2 (h), on international traffic in narcotic drugs, Bolivia welcomed the inclusion of that crime in the draft Code and was willing to assume its responsibilities in that connection,

14. The issue of the implamentation of the draft Code was very complex and should therefore be considered further by both Governments and the Commission. It must be borne in mind that implementation of the draft Cods ultimately depended on the political will of the members of the international community.

15. Mrs. NINH (Viet Nam) said that, with regard to the method of definition of war crimes, her delegation was in favour of a general definition followed by an indicative list of war crimes. Such an approach would ensure the listing of the most representative acts, while avoiding the difficulties involved in drawing up an exhaustive list.

(Mrs. Ninh, Viet Nam)

16. Her delegation preferred the second alternative for draft article 13 as submitted by the Special Rapporteur, which would be more useful to the eventual interpretation and uniform application of the provision' She concurred with the views expressed by other delegations concerning the need to include in the list of war crimes the use of nuclear weapons and the use of weapons prohibited by the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare and the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

17. The new version of article 14 as submitted by the Special Rapportrur was welcome, especially since it explicitly referred to genocide and placed it first among the crimes against humanity. While she had no difficulty in accepting a definition based on that in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, she suggested that, in the light of recent history, the definition should be broadened to include any act committed with intent to destroy a social group. Under that definition, the situation in Cambodia between 1975 and 1978, when intellectuals had been systematically liquidated or persecuted, would be included.

16. With regard to paragraph 6 of draft article 14, she believed that more specific wording should be sought, and suggested the substitution of the word "deliberate" for the word ' intentional", as the latter might prove to be too restrictive in practice.

19' While supporting draft articles 13, 14 and 15 as provisionally adopted by the Commission, her delegation hoped that, at its next session, the Commission would further concretize those articles with a view to their future interpretation and application. Given the growing number of non-military forms of unlawful intervention in the contemporary world, she favoured the deletion of the word "armed" from paragraph 1 of draft article 14 on intervention. Moreover, as undermining the free exercise by a State of its *sovereign* rights was already a serious offence, she felt that the word **"seriously"** should also be deleted.

20. Mr. MOLNAR (Hungary) noted with appreciation that the Commission had concluded the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier. The proposal to have two draft Optional Protocols devoted, respectively, to the couriers and bags of special missions and to the couriers and bags of international organizations of a universal character was conducive to the widest possible acceptance of the future convention, since States wishing to apply its provisions to those two categories of couriers and bags could do so by becoming parties to the Optional Protocols.

21. In his view, draft articles 17, 18 and 28 were the provisions most in dispute, and their acceptance or rejection would determine the future of the draft convent ion. If a generally acceptable solution could not be worked out, there would be no point in creating a second courier system to be applied by only a handful of countries. Inasmuch as all delegations had had ample opportunity to

(Mr. Molnar, Hungary)

debate the issues involved, he felt that self-restraint was advisable and would therefore refrain from repeating his delegation's earlier criticisms, However, he was concerned that the draft articles might offer less protection to the diplomatic courier and the diplomatic bag than was already provided by existing conventions and the norms of customary law.

22. With regard to the draft articles on war crimes and crimes against humanity as submitted by the Special Rapporteur, he agreed that the two subjects should be covered by separate provisions. He supported the second alternative proposed for draft article 13, since in his opinion, the terms "war crime" and "laws or customs of war" were outdated, He also agreed with the considerations formulated in paragraph 105 of the *Commission's* report with regard to the terms "war" and "customs of war".

23. Since acts which were not currently regarded as war crimes might be so characterised in the future, his delegation was in favour of a general definition followed by an indicative list of war crimes, Such a list would provide clear guidance to courts and would guarantee uniformity in the implementation of the Code. Such a solution would avoid the practical difficulties involved in drawing up an exhaustive list of war crimes,

24. He welcomed the inclusion in the draft Code of draft article 14, and strongly supported paragraph 4 of that article concerning the expulsion of populations, the establishment of settlers in occupied territories and forcible changes to the demographic composition of a foreign territory. He also favoured the proposed amendment of subparagraph (c) in order to show clearly that the last-mentioned crime could also be committed within the borders of a State.

25. Mr. CRAWFORD (Australia) said that although his delegation, like a number of others, had serious reservations about the draft Code, those reservations were not a reason for the International Law Commission to retain the item under consideration indefinitely, His delegation was therefore pleased to note the progress made by the Commission on that as on other items at its forty-first session. Commenting first on the question whether the term "war crimes" should cover all breaches of the laws and customs of war or should be limited to more serious violations of those laws, he said that his Government inclined towards the latter view. While the list in the draft Code did not have to be strictly synonomous with the "grave breaches" referred to in the 1949 Geneva Convention and the 1977 Protocols, it should include nothing more than those "grave breaches". Australia considered that, despite the difficulties which might be encountered, an attempt to list the acts amounting to serious war crimes should be made. The argument that article 53 of the Vienna Convention on the Law of Treaties did not list rule6 of jus cogens was unconvincing, first, because that article was not concerned with criminal liability, whereas the draft Code envisaged proceedings before a criminal court, and second, because the Vienna Convention covered a wide variety of other matters while the draft Code's sole purpose was to define a series of offences. If there was no agreement on the content of those offences, then they should not be included.

(Mr. Crawford, Australia)

26. Referring to the discussion on the use of terms reflected in paragraphs 107 and 108 of the Commission's report (A/44/10), he remarked that if the term "armed conflict" was to be used, a clear definition would have to be provided, as suggested in paragraph 138 of the report. Subject to that proviso, Australia favoured the second alternative version of draft article 13, on war crimes, as submitted by the Special Rapporteur, incorporating elements of the proposal set out in paragraph 140 of the report; for example, the word "wilful" was to be preferred to the word "intentional", since it was difficult to see how a war crime could be committed accidentally,

27. In draft article 14, on crimes against humanity, as submitted by the Special Rapporteur, the concept of such crimes had been extended beyond its original connection with war crimes. While Australia sympathized with that approach, it was again concerned that some of the proposed offences, such as, for example, those referred to in paragraphs 4 (c), 5 and 6 of the draft article, were too broadly drawn. The language of paragraph 4 (c) could, for example, be extended to a large-scale intake by one country of migrant workers from another country, causing a temporary and, perhaps, permanent. change in the latter country's demographic composition. Paragraph 5, because of its inclusive language, appeared to cover any inhuman act committed against individuals on political grounds, which again was far too wide. The fact that conduct was regrettable or even unlawful from the point of view of human rights was not a sufficient reason for its inclusion in the draft Coda. The reference to "any serious and intentional harm" in paragraph 6 was also unsatisfactory; it would be a mistake to believe that the repeated use of the word "serious" was enough to ensure that the Code covered serious acts only.

28. With regard to the bracketed words "as practised in southern Africa", in the second alternative version of draft article 14, paragraph 2, his delegation shared the view of the great majority of members of the Commission who had favoured their deletion. If apartheid was to be considered a violation of jus cogens, then it had to be regarded as a crime wherever it was practised and whether or not it was the official policy of a particular State.

29. Concerning the establishment of an international criminal court, he said that no evidence had been advanced to show that the existing system whereby various international offences defined under a number of international conventions were prosecuted under national law was not an effective way of dealing with those offences. All the conventions in question applied the principle of "try or extradite". From his Government's point of view, that had the major advantage of ensuring that the Australian criminal justice system could be applied to persons accused of offences and held in Australia. Any proposal for an international court to deal with international offences would raise difficult issues. Thus, it was by no means clear what rules of evidence would apply; whether jurisdiction would be compulsory and how it would be defined; what sentencing principles would apply; whether there would be a right to trial by jury; what appeal rights there would be, and so on.

(Mr. Crawford, Australia)

30. The draft Code continued to be beset by lack of precision, Quits apart from the need for certainty in establishing criminal offences, which the representative of the Federal Republic of Germany had referred to at a previous meeting, there was also an imperative need to adhere to the language of existing international treaties, especially those which had gained general acceptance. If the definition of genocide in the Convention on the Prevention and Punishment of the Crime of Genocide was not strictly followed, how were States parties to that Convention to deal with the discrepancy? As the representative of Viet Nam had suggested, there might perhaps be a case for expanding the concept; but that should be done at a conference to review the Genocide Convention, and not, as it were, through the back door. As for the crime of apartheid, the first alternative version of paragraph 2 of draft article 14, dealing with that issue, did not adhere to the definition used in the 1974 International Convention on the Suppression and Punishment of the Crime of Apartheid but added the element of "the institution of any system of government based on racial, ethnic or religious discrimination", which was a much broader concept. The fact that progress in international law was incremental did not mean that definition6 in international law should advance incrementally, ignoring the boundaries carefully established in existing treaty texts.

31. Mr. GEVORGYAN (Union of Soviet Socialist Republics) noted with satisfaction the progress achieved in connection with the draft Code at the Commission's Eorty-first session. Referring to draft article 13, on war crimes, as submitted by the Special Rapporteur, he said that the second alternative, which referred to "any [serious] violation of the rules of international law applicable in armed conflict" was, in his delegation'6 view, the most appropriate, as it took into account both treaty law and customary law as well as all forms of international conflict to the extent that international law was applicable to them. The use of the traditional phrase "the laws or customs of war" in that context could give rise to difficulties with regard to the interpretation of the term "war" and the question of whether the provision extended ta non-international conflicts, His delegation therefore supported the second alternative, and was also in favour of removing the square brackets from the word "serious". It also considered that a fairly detailed indicative list of war crimes should be added to the general definition; the list proposed by the Special Rapporteur appeared acceptable in principle, although, of course, it would need to be made more specific.

32. His delegation, guided by the Soviet Government's position of principle in support of the elimination of weapons of mass destruction, was strongly in favour of including such weapon6 among those declared unlawful in the draft Code. It also considered that the use of nuclear weapons should be listed in the draft Code as constituting not only a war crime but also a crime against humanity.

33. Referring to the draft article 14, on crimes against humanity, 66 submitted by the special Rapporteur, he endorsed the view that the acts covered by it should not be simply "inhuman" crimes but acts of a still more serious nature which were aimed against mankind as a whole and threatened the fundamental values of human civilization. His delegation endorsed the Commission's intention to place the crimes of genocide and apartheid at the head of the list of crimes against

(Mr. Gevorgyan, USSR)

humanity. He agreed with the suggestion made in the Commission concerning the inclusion of the concept of ecological crimes in the draft Code, and also supported the Commission's decision to request the Special Rapporteur to prepare a draft provision on international drug trafficking for its following session.

34. His delegation was on the whole satisfied with the three articles provisionally adopted at the Commission's forty-first session, but felt that a provision concerning the authority of the Security Council should be included in article 13. In that connection, it shared the view that it would hardly be possible for a judicial body to consider allegations of the crime of aggression or threat of aggression in the absence of any finding by the Security Council. As for article 14, on intervention, the word "armed", in square brackets, should be removed, since subversive activities by no means always involved the use of armed force. The square brackets should also be removed from the word "seriously" in the same article. The elaboration of the draft Code could contribute to the attainment of universal stability and security based on international law and order. His delegation therefore considered that the Commission should continue to give priority to the topic and that the draft Code should continue to appear as a priority and separate item on the agenda of the Sixth Committee.

35. Ms. CERVENAK (United States of America) said that it was unreasonable to expect the Commission to make rapid progress on topics on which a broad consensus was lacking. To attempt to force the Commission to devote ever larger portions of its valuable time to unpromising topics was not only wasteful, but also drew time away from other topics of more immediate potential benefit. There was no consensus in the Committee on the draft Code, and those who wanted to give the topic high priority would therefore do well to reflect on whether that would enhance the long-term prospects for a code. The approach taken by the majority not only disregarded the firmly held and carefully considered views of a significant minority, but put the Commission on a collision course with reality. In the interest of the Commission, of the codification and development of law in areas in which a consensus was possible, and of the development of international criminal law, the insistence on priority treatment for the Code should be reconsidered.

36. She reiterated her concern that the draft seemed to be losing sight of the previously agreed decision that the Commission would focus on the criminal responsibility of individuals. She hoped that the Chairman of the Commission would confirm her understanding of his remarks to the effect that the chapeau paragraph, which remained to be drafted, would make it clear that the crimes would be attributed to individuals.

37. She remained troubled by certain aspects of the draft articles provisionally adopted by the Commission, particularly their vagueness. With regard to the draft articles on aggression, it was understandable that the Commission had been tempted to accept the General Assembly's pronouncements on aggression, which had undeniably been based on consensus. However, the General Assembly had been seeking to provide guidelines for consideration of the matter by a political body performing a political act. The numerous decisions involved in preserving the political

(Ms. Cervenak, United States)

discretion of the Security Council acting under Article 39 of the Charter of the United Nations were very different from, if not antithetical to, the decisions which would be required to provide a basis for a judicial body to act on criminal charges. Much of the problem with the draft articles stemmed from the failure to recognize that distinction. The problem of vagueness was exacerbated in the case of the potentially, if not inherently subjective notion of "threat of aggression". It was not even clear from the drafting of article 13 that routine military exercises would not fall within the scope of its definition. It was one thing to speak of new confidence-building measures, notification of exercises, and so on, but criminalizing such exercises or permitting some to argue that they were criminal was another matter entirely.

38. The draft commentary on the articles heightened rather than alleviated her concerns. For example, her delegation was among those which regarded resolution 1803 (XVII) as the General Assembly's most authoritative statement on the question of natural resources, but it nevertheless did not regard that resolution as a suitable basis for asserting the criminality of acts arguably inconsistent with it.

39. She was not convinced that drafting vague articles to indicate possible areas of coverage was a wise policy. On the other hand, if the Commission intended to redraft the articles later with the rigour required of criminal law before regarding the first reading as complete, she applauded the recognition that more work was needed. It would also be helpful if the Commission could address the question of the implementation mechanism for the law which it was seeking to develop.

40. She urged that the doubts expressed by her delegation and others over a number of years with regard to the topic should be taken into account. Otherwise, there could be no meaningful progress towards the professed goal of contributing to world order.

41. Mr. SENE (Senegal), referring to the concept of war crimes embodied in draft article 13 as submitted by the Special Rapporteur, said that his delegation preferred the second alternative, which defined a war crime as any serious violation of the rules of international law applicable in armed conflict. He agreed with those members of the Commission who felt that the term "laws and customs of war" was outmoded, especially in view of the efforts made by the United Nations for 40 years to outlaw war. With regard to the concept of gravity, he felt that it should remain an important element in the definition of war crimes, in order to preserve the distinction between such acts and ordinary offences. The second alternative also had the advantage of providing a general definition followed by an indicative list of war crimes.

42. Although draft article 14 represented a step forward in general, the iommission should avoid limiting the concept of crimes against humanity to offences already dealt with in other international legal instruments. In that connection, he agreed with the Special Rapporteur that such acts could include not only attacks on persons, but also attacks on property. Accordingly, he was in favour of the

(Mr. Sene, Senegal)

inclusion of paragrsph 4, characterising as crimes against humanity the expulsion of populations, the establishment of settlers in occupied territories and changes to the demographic composition of a territory,

43. He commended the Commission for having decided, as stated *in* paragraph 733 of its report, to give priority during the remainder of its five-year term of office to the draft Code of Crimes against the Peace and Security of Mankind.

The meeting rose at 4.25 p.m.