



UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/8038/Add.1/Corr.1
15 June 1971
ENGLISH
ORIGINAL: RUSSIAN

Twenty-fifth session
Agenda item 50

QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF PERSONS
WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

Report of the Secretary-General

Corrigendum

The attached reply received from the Government of the Union of Soviet
Socialist Republics should have been included in document A/8038/Add.1.

UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/
4 September 1970

Information on measures taken in implementation of general
assembly resolution 2583 (XXIV) on the question of the
punishment of war criminals and of persons who have
committed crimes against humanity

It is generally known that the Soviet Union invariably and consistently supports the adoption of effective measures to ensure that war criminals and persons who have committed crimes against humanity receive the punishment they deserve. In recent years the Soviet Union, together with the other socialist countries, has initiated the adoption of a number of important measures and United Nations decisions in this area, including the drafting of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

The Soviet Government and people welcomed the adoption of this Convention by the United Nations. In March 1969 an International Conference on Questions of the Prosecution of Nazi War Criminals was held in Moscow. The Chairman of the Council of Ministers of the USSR, A.N. Kosygin, delivered a message of welcome to the participants in the Conference. The Conference adopted an appeal and a resolution which were subsequently circulated in a United Nations document.

This year was the twenty-fifth anniversary of the conclusion of the historic Agreement for the prosecution and punishment of the major war criminals of the European Axis, which established the International Military Tribunal at Nürnberg and proclaimed its Charter. These documents and the judgement of the Nürnberg Tribunal expressed principles of international law which were affirmed by the United Nations in General Assembly resolution 95 (I) of 11 December 1946, and served as a starting-point for subsequent efforts by the United Nations to combat the very grave international offences of war crimes and crimes against humanity.

Such efforts are no less urgent now than they were a quarter of a century ago. Due punishment has not yet been meted out to many nazi war criminals who have found asylum in West Germany and certain other countries. The exponents of the inhuman policy of apartheid in the Republic of South Africa and Southern Rhodesia have not

/...

been punished and continue to commit crimes against the indigenous African population. The Portuguese colonists are committing brutal crimes against the peoples of Angola, Mozambique and Bissau.

In recent years, the conscience of mankind has been aroused by the crimes of United States imperialism in Indo-China and of Israeli militarism in the Middle East. The names of Songmy and Abu Za'bal evoke memories of the tragic events at Oradour, Lidice and Perchupis. The peoples of the world demand severe punishment of the persons responsible for these crimes.

It is now most important that measures should be taken to implement the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. The Soviet Union and nine other socialist countries were the first to ratify this Convention, thus ensuring its entry into force. Other States must also accede to this Convention and assume their international responsibilities not to apply statutory limitations to war crimes and crimes against humanity and to make possible the extradition of the persons responsible for such crimes, as laid down in article III of the Convention.

The Soviet Union believes that no State should stand aloof from the opposition to war crimes and crimes against humanity, including such crimes specifically referred to in the Convention as "inhuman acts resulting from the policy of apartheid" and "eviction by armed attack or occupation". In this connexion, due attention should be paid to implementing those provisions of General Assembly resolution 2583 (XXIV) in which the Assembly "Expresses the hope that States which were unable to vote for the adoption of the Convention will refrain from action running counter to its main purposes".

In the question of opposition to war crimes and crimes against humanity, the Soviet Union also attaches great importance to the detection and punishment of individuals guilty of such crimes, in particular those who were nazis. This work is being actively carried on by the competent Soviet authorities.

The Procurator's office of the USSR co-operates in the prosecution of nazi criminals with the competent organs of the German Democratic Republic, the Polish People's Republic and the Czechoslovak Socialist Republic. Co-operation in this

area consists of the exchange of experience and information, the co-ordination of measures for the collection of evidence against individual nazi criminals and the exchange of relevant documentation.

The Procurator's office of the USSR also affords legal assistance to the West German organs of justice in the investigation of nazi crimes; in 1968-1970, it provided 15,000 pages of documentation and 13,000 frames of microfilm containing a large amount of evidence, including captured German documents.

Nevertheless, a considerable number of war criminals in the Federal Republic of Germany have continued to evade responsibility for their crimes.

Individual Soviet citizens, traitors to their homeland who during the war committed heinous crimes against the peaceful population and against prisoners of war, have taken shelter from their just punishment in the territory of the Federal Republic of Germany. Their whereabouts are known, but legitimate Soviet demands for their extradition for trial in the place where they committed their crimes are unjustifiably rejected, under the pretext of granting these criminals the right to political asylum, which is a gross violation of the generally accepted rules of international law.

There have been frequent cases in which dangerous nazi criminals have gone unpunished, in spite of the convincing proof of their guilt which the Soviet Union has provided. Some of them remain at liberty on large bail, but frequently they are condemned by West German courts to unjustifiably light sentences, or are acquitted completely on flimsy grounds such as the need to obey the orders of a superior officer. Many examples of this practice could be given.

The Soviet Union is implementing existing international agreements and decisions on the subject of war crimes and crimes against humanity and strictly observing the relevant rules of international law because it believes that, as is noted in the decisions of the United Nations on this subject, the adoption of effective measures against such crimes constitutes an important element in their prevention, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security.
