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FIFTH REPORT ON THE DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

by

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Corrigendum

<u>Paragraph 3, subparagraph (a)</u>: Does not apply to English text

<u>Draft articles, article 4, new text</u>: Does not apply to English text.

<u>Paragraph (6), line 4 of the commentary</u>: Does not apply to English text.

<u>Draft articles, article 5</u>

<u>Paragraph (3) of the commentary</u>: In the last sentence delete the comma after the word "trial" and substitute a full stop. Delete the remainder of the sentence, and substitute the following text:

> "The non-applicability of statutory limitations to certain war crimes has, indeed, caused some strong emotional reactions by public opinion and the French Court of Cassation, in its judgement of 20 December 1985, had recourse to a broad interpretation of the notion of a crime against humanity, including crimes committed by an occupying régime against political opponents 'whatever the form of their opposition', which includes armed opposition."

Paragraph (4) of the commentary: Add the following text at the end of the paragraph:

"In any case, for the purposes of the present draft code, the notion of an offence against the peace and security of mankind is an indivisible notion and consequently the distinction between a war crime and a crime against humanity does not apply".

Draft articles, article 6

Paragraph (1) (c) of the commentary: Add the words:
"and the American Convention on Human Rights (articles 5, 7 and 8)."

Draft articles, article 9

Paragraph (6) of the commentary: Place the text of the paragraph between inverted commas.

After the words "Some internationalists" add the words "he points out", so that the sentence reads: "Some internationalists" he points out "regard state of necessity ...".

Paragraph (7) of the commentary: Begin the paragraph with the words "According to Judge Ago" and place the rest of the paragraph between inverted commas.