



Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/2001/L.29
14 August 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-third session
Agenda item 6

OTHER HUMAN RIGHTS ISSUES

**Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco,
Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet,
Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park,
Mr. Pinheiro, Mr. Rodríguez-Cuadros, Ms. Warzazi, Mr. Yimer
and Ms. Zerrougui: draft resolution**

**2001/... International cooperation in the detection, arrest, extradition and
punishment of persons guilty of crimes against humanity**

The Sub-Commission on the Promotion and Protection of Human Rights,
Recalling the principles of international cooperation in the detection, arrest,
extradition and punishment of persons guilty of crimes against humanity enumerated in
General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Convinced that maximum international cooperation among States is needed in order to
ensure a thorough investigation of crimes against humanity as well as to bring to trial their
perpetrators,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, as well as the Vienna Declaration and Programme of Action, especially Part II, paragraph 91, and the Statute of the International Criminal Court,

1. *Affirms* that within the framework of international cooperation for the detection, arrest, extradition and punishment of persons guilty of crimes against humanity, the highest priority should be given, independently of the circumstances in which these violations are committed, to legal proceedings against all individuals responsible for such crimes, including former heads of State or Government whose exile serves as a pretext for their impunity;

2. *Urges* all States to cooperate in order to detect, arrest, extradite, bring to trial and punish persons guilty of crimes against humanity;

3. *Reaffirms* the principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of crimes against humanity recorded in General Assembly resolution 3074 (XXVIII) of 3 December 1973, in particular:

Every State has the right to try its own nationals for crimes against humanity;

Crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment;

States shall cooperate with each other on a bilateral and multilateral basis, with a view to halting and preventing crimes against humanity;

States shall assist each other in detecting, arresting and bringing to trial persons suspected of having committed such crimes and, if they are found guilty, in punishing them;

Persons against whom there is evidence that they have committed crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall cooperate on questions of extraditing such persons. Persons charged with crimes against humanity shall not be allowed to claim that the actions fall within the "political offence" exception to extradition, unless the requested State tries the suspect itself;

States shall not take any legislative or other measures which may be prejudicial to the international obligations they have assumed in regard to the detection, arrest, extradition and punishment of persons guilty of crimes against humanity;

In cooperating with a view to the detection, arrest and extradition of persons against whom there is evidence that they have committed crimes against humanity and, if found guilty, their punishment, States shall act in conformity with the provisions of the Charter of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

4. *Affirms* that refusal by States to cooperate in the arrest, extradition, trial and punishment of persons guilty of crime against humanity, including former heads of State or Government, is contrary to the purposes and principles of the Charter of the United Nations and to generally recognized norms of international law;

5. *Urges* all Governments to implement the relevant resolutions of the General Assembly and other United Nations bodies and to take measures in accordance with international law to put an end to and prevent crimes against humanity and to ensure the punishment of all persons guilty of such crimes, including their extradition to those countries where they have committed such crimes, even when there is no treaty to facilitate that task.
