



**General Assembly**

Distr.  
GENERAL

A/39/439/Add.2  
17 October 1984  
ENGLISH  
ORIGINAL: ENGLISH/SPANISH

Thirty-ninth session  
Agenda item 125

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Report of the Secretary-General

Addendum

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REPLIES RECEIVED FROM GOVERNMENTS

PERU

[Original: Spanish]

[2 October 1984]

... the Government of Peru considers it appropriate to state:

1. The draft Code of Offences against the Peace and Security of Mankind should refer restrictively to the most serious international crimes, since it could not cover the totality of international crimes without becoming an international penal code.

2. The draft Code should not only deal with the criminal responsibility of individuals who commit offences against the peace and security of mankind, as currently stated in article 1 of the draft, but should also cover States as being responsible for the commission of such offences, bearing in mind that there are crimes against peace and security, such as the annexation of territory and aggression, which can be committed only by States.

3. The International Law Commission's mandate should include the drafting of a statute for an international criminal jurisdiction competent to deal with individuals and States alike. This is because, when it has been decided what constitutes offences against the peace and security of mankind under the draft Code, in order for the Code to become operative it is necessary to establish what sanctions are to apply to the perpetrators of such offences, and for that it is necessary to establish a competent international criminal jurisdiction to enforce the sanctions.

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