



General Assembly

Distr.
GENERAL

A/44/770
24 November 1989
ENGLISH
ORIGINAL: FRENCH

Forty-fourth session
Agenda item 152

INTERNATIONAL CRIMINAL RESPONSIBILITY OF INDIVIDUALS AND
ENTITIES ENGAGED IN ILLICIT TRAFFICKING IN NARCOTIC DRUGS
ACROSS NATIONAL FRONTIERS AND OTHER TRANSNATIONAL
CRIMINAL ACTIVITIES: ESTABLISHMENT OF AN INTERNATIONAL
CRIMINAL COURT WITH JURISDICTION OVER SUCH CRIMES

Report of the Sixth Committee

Rapporteur: Mr. Guillaume PAMBOU-TCHIVOUNDA (Gabon)

I. INTRODUCTION

1. The item entitled "International criminal responsibility of individuals and entities engaged in illicit trafficking in narcotic drugs across national frontiers and other transnational criminal activities: establishment of an international criminal court with jurisdiction over such crimes" was included as a supplementary item in the agenda of the forty-fourth session of the General Assembly at the request of Trinidad and Tobago.
2. At its 3rd plenary meeting, on 22 September, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it a letter dated 21 August 1989 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Secretary-General (A/44/195), to which an explanatory memorandum was attached in accordance with rule 20 of the rules of procedure of the General Assembly.
4. The Committee also had before it a letter dated 23 October 1989 from the Permanent Representatives of Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela to the United Nations addressed to the Secretary-General (A/44/694).

5. The Committee considered the item at its 38th to 41st meetings, held on 10, 13 and 14 November. The summary records of those meetings (A/C.6/44/SR.38-41) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/44/L.18

6. At the 46th meeting, on 22 November 1989, the representative of Trinidad and Tobago introduced a draft resolution (A/C.6/44/L.18), sponsored by Antigua and Barbuda, Bahamas, Barbados, Belize, Comoros, Costa Rica, Grenada, Guyana, Jamaica, Libyan Arab Jamahiriya, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Vanuatu.

7. Draft resolution A/C.6/44/L.18 was adopted without a vote (see para. 9).

8. After the adoption of the draft resolution, the representative of France (on behalf of the 12 States members of the European Community) made a statement in explanation of position.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

International criminal responsibility of individuals and entities engaged in illicit trafficking in narcotic drugs across national frontiers and other transnational criminal activities: establishment of an international criminal court with jurisdiction over such crimes

The General Assembly,

Mindful that, in accordance with Article 13, paragraph 1 a, of the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recognizing that there is an established link between the illicit trafficking in narcotic drugs and other organized criminal activities which endanger the constitutional order of States and violate basic human rights,

Mindful of the adoption on 20 December 1988 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1/ which recognizes that the illicit trafficking in drugs is an international criminal activity,

1/ E/CONF.82/15.

Bearing in mind the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law,

1. Requests the International Law Commission, when considering at its next session the topic "Draft Code of Crimes against the Peace and Security of Mankind", to address the question of establishing an international criminal court or other international criminal trial mechanism with jurisdiction over persons alleged to have committed crimes which may be covered under a code, including persons engaged in illicit drug trafficking across national frontiers, and to devote particular attention to the latter question in its report on that session;

2. Requests the Secretary-General to transmit to the International Law Commission any views expressed by Member States pursuant to paragraph 3 of resolution 44/- [A/C.6/44/L.11], as well as the summary records of the debate on the present agenda item during the forty-fourth session of the General Assembly;

3. Decides to consider the question of establishing such an international criminal court or other international criminal trial mechanism at its forty-fifth session when examining the report of the International Law Commission.
