



Twelfth session
Agenda item 56

INTERNATIONAL CRIMINAL JURISDICTION

Report of the Sixth Committee

Rapporteur: Dr. A.H. TABIBI (Afghanistan)

1. The General Assembly, at its 682nd plenary meeting on 20 September 1957, included in the agenda of its twelfth session the item "International Criminal Jurisdiction" and referred it to the Sixth Committee.
2. The Sixth Committee considered the item at its 546th and 547th meetings on 4 and 5 December 1957.
3. A note by the Secretary-General (A/3649) gave the historical background of the question since the adoption by the General Assembly on 9 December 1948 of resolution 260 A(III).

Debate

4. The majority of representatives who expressed themselves on this item were of the opinion that the question of an international criminal jurisdiction was related to the question of defining aggression and the draft Code of Offences against the Peace and Security of Mankind. They felt that the question should be postponed in view of the adoption by the General Assembly of resolution 1181 (XII), whereby the question of defining aggression had been postponed until the special committee set up under that resolution should determine that the time was appropriate to consider it again, and in view of the consequential postponement of the question of the draft Code recommended by the Sixth Committee in its report on that item to the General Assembly (A/3770).

5. However, one representative expressed the view that the question of an international criminal jurisdiction was not related to the question of defining aggression to the same extent as it was to the draft Code of Offences. He also pointed out that the postponement of the question of an international criminal jurisdiction did not take into consideration General Assembly resolution 260 A(III) and 260 B(III) of 9 December 1948 which envisaged the possibility of establishing an international judicial organ for the trial of persons charged with genocide.

6. Another representative stated that the postponement of the question amounted to an act of treason against the principles established by the judgements of the International Military Tribunals of Nurnberg and Tokyo.

Proposals and voting

7. A draft resolution was submitted by Chile, the Philippines and Spain (A/C.6/L.420), whereby the General Assembly, considering its resolution 898 (IX) of 14 December 1954, would decide to defer the question of an international criminal jurisdiction until such time as it takes up again the question of defining aggression and the question of a draft Code of Offences against the Peace and Security of Mankind.

8. An oral amendment was submitted by the representative of Egypt to add a new preambular paragraph to read as follows: "Considering General Assembly resolution 1181 (XII) concerning the definition of aggression".

9. The sponsors of the draft resolution accepted that amendment.

10. At its 547th meeting, on 5 December 1957, the Committee adopted the draft resolution (A/C.6/L.420), as amended, by 54 votes to 2, with 2 abstentions.

Recommendation of the Sixth Committee

11. The Sixth Committee therefore recommends to the General Assembly the adoption of the following resolution:

The General Assembly,
Considering General Assembly resolution 898 (IX) of 14 December 1954,
Considering General Assembly resolution 1181 (XII) concerning the
definition of aggression,

/...

Decides to defer the question of an international criminal jurisdiction until such time as the General Assembly takes up again the question of defining aggression and the question of a draft Code of Offences against the Peace and Security of Mankind.
