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PRINCIPLES OF INTERNATIONAL CO-OPERATION IN THE DETECTION,
ARREST, EXTRADITION AND PUNISHMENT OF PERSONS GUILTY OF
WAR CRIMES AND CRIMES AGAINST HUMANITY

Report of the Third Committee

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I. INTRODUCTION

1. The General Assembly, at its 2123rd plenary meeting, on 21 September 1973, allocated to the Third Committee agenda item 60, entitled "Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity".
2. The Third Committee considered this item at its 2019th to 2022nd meetings, from 7 to 9 November 1973. The summary records of these meetings (A/C.3/SR.2019-2022) contain the views expressed by representatives of Member States on the item.
3. The Committee had before it a note by the Secretary-General (A/9136) containing a summary of the action taken by the General Assembly, the Economic and Social Council and the Commission on Human Rights, leading up to Economic and Social Council resolution 1791 (LIV) of 18 May 1973. In that resolution, the Council, acting on the Commission's recommendation, endorsed the draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, transmitted to it by the Commission, and recommended that the General Assembly should adopt a draft resolution (A/9136, annex) in which the United Nations would proclaim those principles.
4. The Committee also had before it the relevant part of the report of the Economic and Social Council. 1/
5. The item was introduced by the Director of the Division of Human Rights at the 2019th meeting.

II. CONSIDERATION OF THE DRAFT RESOLUTION

6. At the 2020th meeting, the representative of Morocco submitted an amendment (A/C.3/L.2049) to reword draft principle 2, which read:

"2. States shall co-operate with each other on a bilateral and multilateral basis with a view to halting and preventing war crimes and crimes against humanity, and shall take the domestic and international measures necessary for that purpose."

to read as follows:

"2. States shall co-operate with each other on a bilateral and multilateral basis with a view to halting and preventing war crimes and

1/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 3 (A/9003), chap. XXIII, sect. A.9.

crimes against humanity, shall take the domestic measures necessary for that purpose and shall adopt and apply international measures relating thereto."

At the 2022nd meeting, the representative of Morocco withdrew the amendment.

7. At the 2021st meeting, the representative of Saudi Arabia proposed a number of oral amendments to the draft resolution. Since they were submitted after the time-limit, the amendments were not considered by the Committee. The representative of Saudi Arabia reserved his right to introduce the amendments during the consideration of the item by the General Assembly in plenary meeting.

8. At the 2022nd meeting, the Committee voted on the draft resolution recommended by the Economic and Social Council in resolution 1791 (LIV). At the request of the representative of Sierra Leone, the Committee took separate votes on the preamble and on each operative paragraph of the draft resolution. The voting was as follows:

(a) The preamble, as a whole, was adopted by 82 votes to none, with 15 abstentions;

(b) At the request of the representative of Costa Rica, a separate vote was taken on the words "whenever or wherever they are committed" in paragraph 1. The words were retained by 34 votes to 22, with 36 abstentions;

(c) Paragraph 1, as a whole, was adopted by 64 votes to 1, with 35 abstentions;

(d) Paragraph 2 was adopted by 81 votes to none, with 14 abstentions;

(e) Paragraph 3 was adopted by 78 votes to none, with 18 abstentions;

(f) Paragraph 4 was adopted by 56 votes to 1, with 40 abstentions;

(g) Paragraph 5 was adopted by 75 votes to none, with 22 abstentions;

(h) Paragraph 6 was adopted by 56 votes to 2, with 38 abstentions;

(i) Paragraph 7 was adopted by 73 votes to none, with 25 abstentions;

(j) Paragraph 8 was adopted by 85 votes to none, with 14 abstentions.

9. The draft resolution, as a whole, was adopted by 75 votes to 1, with 30 abstentions (see paragraph 10 below).

III. RECOMMENDATION OF THE THIRD COMMITTEE

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity

The General Assembly,

Recalling its resolutions 2583 (XXIV) of 15 December 1969, 2712 (XXV) of 15 December 1970, 2840 (XXVI) of 18 December 1971 and 3020 (XXVII) of 18 December 1972,

Taking into account the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity,

Having considered the draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity,

Declares that the United Nations, in pursuance of the principles and purposes set forth in the Charter concerning the promotion of co-operation between peoples and the maintenance of international peace and security, proclaims the following principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity:

1. War crimes and crimes against humanity, whenever or 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.

2. States shall co-operate with each other on a bilateral and multilateral basis with a view to halting and preventing war crimes and crimes against humanity, and shall take the domestic and international measures necessary for that purpose.

3. 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.

4. Persons against whom there is evidence that they have committed war crimes and 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 connexion, States shall co-operate on questions of extraditing such persons.

/...

5. States shall co-operate with each other in the collection of information and evidence which would help to bring to trial the persons indicated in paragraph 4 above and shall exchange such information.

6. In accordance with article 1 of the Declaration on Territorial Asylum of 14 December 1967, 2/ States shall not grant asylum to any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity.

7. 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 war crimes and crimes against humanity.

8. In co-operating with a view to the detection, arrest and extradition of persons against whom there is evidence that they have committed war crimes and 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 Co-operation among States in accordance with the Charter of the United Nations. 3/

2/ General Assembly resolution 2312 (XXII).

3/ General Assembly resolution 2625 (XXV), annex.