

2378 (XXIII). Assistance to Iran in connexion with the earthquake of August 1968

The General Assembly,

Noting with deep regret the tragic consequences of the severe earthquake in Iran, which caused the death of some 10,000 persons and devastation over an area of more than 5,000 square kilometres, including the complete destruction of ten towns and 170 villages,

Recalling General Assembly resolution 2034 (XX) of 7 December 1965,

Noting the energetic and urgent measures taken by the Government of Iran to provide relief for the victims of the earthquake and to restore normal living conditions in the devastated areas,

Noting also the plans prepared by the Government of Iran for the reconstruction of the devastated areas,

Aware of the very high cost of the realization of these plans,

Further noting with appreciation the assistance rendered to the victims of this disaster by many nations, the United Nations family of organizations, non-governmental organizations and individuals,

1. *Expresses its deep sympathy* to the people and Government of Iran regarding this catastrophe;

2. *Invites* Member States and non-governmental organizations to consider ways and means of rendering whatever further assistance they may be in a position to offer to the Government of Iran;

3. *Requests* the Secretary-General of the United Nations, the heads of the specialized agencies, the Executive Directors of the World Food Programme and the United Nations Children's Fund, and the Administrator of the United Nations Development Programme, in the light of the funds available, to bear in mind the needs of the Government of Iran in connexion with its plans for the reconstruction of the devastated areas when deciding on the services to be provided to Member States.

*1705th plenary meeting,
23 October 1968.*

2391 (XXIII). Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

The General Assembly,

Having considered the draft Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

Adopts and opens for signature, ratification and accession the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the text of which is annexed to the present resolution.

*1727th plenary meeting,
26 November 1968.*

ANNEX

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

PREAMBLE

The States Parties to the present Convention,

Recalling resolutions of the General Assembly of the United Nations 3 (I) of 13 February 1946 and 170 (II) of 31 October

1947 on the extradition and punishment of war criminals, resolution 95 (I) of 11 December 1946 affirming the principles of international law recognized by the Charter of the International Military Tribunal, Nürnberg, and the judgement of the Tribunal, and resolutions 2184 (XXI) of 12 December 1966 and 2202 (XXI) of 16 December 1966 which expressly condemned as crimes against humanity the violation of the economic and political rights of the indigenous population on the one hand and the policies of *apartheid* on the other,

Recalling resolutions of the Economic and Social Council of the United Nations 1074 D (XXXIX) of 28 July 1965 and 1158 (XLI) of 5 August 1966 on the punishment of war criminals and of persons who have committed crimes against humanity,

Noting that none of the solemn declarations, instruments or conventions relating to the prosecution and punishment of war crimes and crimes against humanity made provision for a period of limitation,

Considering that war crimes and crimes against humanity are among the gravest crimes in international law,

Convinced that the effective punishment of war crimes and crimes against humanity is an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security,

Noting that the application to war crimes and crimes against humanity of the rules of municipal law relating to the period of limitation for ordinary crimes is a matter of serious concern to world public opinion, since it prevents the prosecution and punishment of persons responsible for those crimes,

Recognizing that it is necessary and timely to affirm in international law, through this Convention, the principle that there is no period of limitation for war crimes and crimes against humanity, and to secure its universal application,

Have agreed as follows:

ARTICLE I

No statutory limitation shall apply to the following crimes, irrespective of the date of their commission:

(a) War crimes as they are defined in the Charter of the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, particularly the "grave breaches" enumerated in the Geneva Conventions of 12 August 1949 for the protection of war victims;

(b) Crimes against humanity whether committed in time of war or in time of peace as they are defined in the Charter of the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, eviction by armed attack or occupation and inhuman acts resulting from the policy of *apartheid*, and the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts do not constitute a violation of the domestic law of the country in which they were committed.

ARTICLE II

If any of the crimes mentioned in article I is committed, the provisions of this Convention shall apply to representatives of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the State authority who tolerate their commission.

ARTICLE III

The States Parties to the present Convention undertake to adopt all necessary domestic measures, legislative or otherwise,

with a view to making possible the extradition, in accordance with international law, of the persons referred to in article II of this Convention.

ARTICLE IV

The States Parties to the present Convention undertake to adopt, in accordance with their respective constitutional processes, any legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of the crimes referred to in articles I and II of this Convention and that, where they exist, such limitations shall be abolished.

ARTICLE V

This Convention shall, until 31 December 1969, be open for signature by any State Member of the United Nations or member of any of its specialized agencies or of the International Atomic Energy Agency, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

ARTICLE VI

This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE VII

This Convention shall be open to accession by any State referred to in article V. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE VIII

1. This Convention shall enter into force on the ninetieth day after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after the date of the deposit of its own instrument of ratification or accession.

ARTICLE IX

1. After the expiry of a period of ten years from the date on which this Convention enters into force, a request for the revision of the Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

ARTICLE X

1. This Convention shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States referred to in article V.

3. The Secretary-General of the United Nations shall inform all States referred to in article V of the following particulars:

(a) Signatures of this Convention, and instruments of ratification and accession deposited under articles V, VI and VII;

(b) The date of entry into force of this Convention in accordance with article VIII;

(c) Communications received under article IX.

ARTICLE XI

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 26 November 1968.

IN WITNESS WHEREOF the undersigned, being duly authorized for that purpose, have signed this Convention.

2392 (XXIII). Question of the punishment of war criminals and of persons who have committed crimes against humanity

The General Assembly,

Considering the fact that a draft optional protocol¹ to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity² has been submitted,

Noting that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity does not preclude the study of principles that may be affirmed in the future in determining the nature of tribunals constituted for the trial of persons accused of having committed war crimes and crimes against humanity,

Believing that this draft optional protocol raises issues that are closely related to the general question of international criminal jurisdiction,

Recalling its previous consideration of the question of international criminal jurisdiction,

Recalling further its decision at the 1676th plenary meeting not to include the item entitled "International criminal jurisdiction" in the agenda of its twenty-third session but to defer the item to a later session,

Decides to take up this draft optional protocol at such time as it resumes consideration of the question of international criminal jurisdiction, or at such other time as it deems appropriate.

*1727th plenary meeting,
26 November 1968.*

2393 (XXIII). Capital punishment

The General Assembly,

Recalling that article 3 of the Universal Declaration of Human Rights provides that everyone has the right to life, liberty and security of person,

Recalling further that article 5 of the Universal Declaration of Human Rights provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having considered the report entitled *Capital Punishment*³ in the light of the comments⁴ thereon of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders,⁵ and the report entitled *Capital Punishment—Developments 1961 to 1965*,⁶

Taking note of the conclusion drawn by the Advisory Committee from the report entitled *Capital Punishment* that, if one looked at the whole problem of capital punishment in a historical perspective, it became clear that there was a world-wide tendency towards a considerable reduction in the number and categories of offences for which capital punishment might be imposed,

¹ A/C.3/L.1570/Rev.2.

² General Assembly resolution 2391 (XXIII), annex.

³ United Nations publication, Sales No.: E.67.IV.15, part I.

⁴ *Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes*, agenda item 11, document E/3724, section III.

⁵ In accordance with Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, the *Ad Hoc* Committee was established on a permanent basis as the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.

⁶ United Nations publication, Sales No.: E.67.IV.15, part II.