

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 protocol<sup>1</sup> to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity<sup>2</sup> 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*<sup>3</sup> in the light of the comments<sup>4</sup> thereon of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders,<sup>5</sup> and the report entitled *Capital Punishment—Developments 1961 to 1965*,<sup>6</sup>

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,

<sup>1</sup> A/C.3/L.1570/Rev.2.

<sup>2</sup> General Assembly resolution 2391 (XXIII), annex.

<sup>3</sup> United Nations publication, Sales No.: E.67.IV.15, part I.

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

<sup>5</sup> 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.

<sup>6</sup> United Nations publication, Sales No.: E.67.IV.15, part II.

*Taking note also of the view expressed in the report entitled Capital Punishment—Developments 1961 to 1965 that there is an over-all tendency in the world towards fewer executions,*

*Taking note of the report of the meeting of the Consultative Group on the Prevention of Crime and the Treatment of Offenders held in August 1968, in so far as it relates to the question of capital punishment,<sup>7</sup> and of the view of the Group that there is a strong trend in most countries towards the abolition of capital punishment or at least towards fewer executions,*

*Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,*

1. *Invites Governments of Member States:*

(a) *To ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains, inter alia, by providing that:*

- (i) *A person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or, as the case may be, to petition for pardon or reprieve;*
- (ii) *A death sentence shall not be carried out until the procedures of appeal or, as the case may be, of petition for pardon or reprieve have been terminated;*
- (iii) *Special attention be given in the case of indigent persons by the provision of adequate legal assistance at all stages of the proceedings;*

(b) *To consider whether the careful legal procedures and safeguards referred to in sub-paragraph (a) above may not be further strengthened by the fixing of a time-limit or time-limits before the expiry of which no death sentence shall be carried out, as has already been recognized in certain international conventions dealing with specific situations;*

(c) *To inform the Secretary-General not later than 10 December 1970 of actions which may have been taken in accordance with sub-paragraph (a) above and of the results to which their consideration in accordance with sub-paragraph (b) above may have led;*

2. *Requests the Secretary-General to invite Governments of Member States to inform him of their present attitude to possible further restriction of the use of the death penalty or to its total abolition, and to state whether they are contemplating restriction or abolition and also to indicate whether changes in this respect have taken place since 1965;*

3. *Further requests the Secretary-General to submit a report on the matter dealt with in paragraphs 1 (c) and 2 above to the Economic and Social Council at one of its sessions to be held in 1971.*

*1727th plenary meeting,  
26 November 1968.*

## **2394 (XXIII). Capital punishment in southern Africa**

*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,*

<sup>7</sup> See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 59, document A/7243, annex.

*Further recalling 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,*

*Recalling Security Council resolution 191 (1964) of 18 June 1964 urging the Government of South Africa to renounce the execution of any persons sentenced to death for their opposition to apartheid,*

*Recalling Security Council resolution 253 (1968) of 29 May 1968 condemning the inhuman executions carried out by the illegal régime in Southern Rhodesia which have flagrantly affronted the conscience of mankind and have been universally condemned,*

*Also recalling General Assembly resolution 2145 (XXI) of 27 October 1966, in which the Assembly decided that South Africa's Mandate for South West Africa was terminated, that South Africa had no other right to administer the Territory and that henceforth South West Africa came under the direct responsibility of the United Nations,<sup>8</sup>*

*Noting with concern the existence of the death penalty as a means of suppressing resistance to the policies of apartheid, racial discrimination and colonialism by the illegal régime in Southern Rhodesia, by the illegal South African régime in Namibia and by the racist Government in South Africa,*

1. *Condemns the illegal régime in Southern Rhodesia, the equally illegal South African régime in Namibia and the racist Government in South Africa for resorting to the application of the death penalty and the threat or use of capital punishment in their attempts to suppress the natural aspirations of the peoples of southern Africa to social and economic justice, civil rights and political freedom;*

2. *Calls upon the Government of South Africa to renounce the execution of any persons sentenced to death for their opposition to apartheid;*

3. *Requests the Commission on Human Rights and the Economic and Social Council to keep this matter under constant review.*

*1727th plenary meeting,  
26 November 1968.*

## **2399 (XXIII). Report of the United Nations High Commissioner for Refugees**

*The General Assembly,*

*Having considered the report of the United Nations High Commissioner for Refugees<sup>9</sup> and having heard his statement,<sup>10</sup>*

*Taking note of the progress achieved in the field of international protection of refugees who are the High Commissioner's concern and in the search for permanent solutions of their problems through voluntary repatriation, integration in countries of asylum or resettlement in other countries,*

*Recognizing the positive effects of the High Commissioner's work on economic and social conditions of the refugees in the countries concerned,*

<sup>8</sup> The General Assembly, in its resolution 2372 (XXII) of 12 June 1968, decided that from that date South West Africa would be known as Namibia.

<sup>9</sup> *Official Records of the General Assembly, Twenty-third Session, Supplement No. 11 (A/7211 and Corr.2) and Supplement No. 11A (A/7211/Add.1).*

<sup>10</sup> *Ibid.*, *Twenty-third Session, Third Committee*, 1611th meeting, paras. 1-18.