



International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity

Sub-Commission on Human Rights Resolution 2001/22

The Sub-Commission on the Promotion and Protection of Human Rights, Recalling the principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity enumerated in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Recalling also its resolution 2000/24 of 18 August 2000, entitled "Role of universal or extraterritorial competence in preventive action against impunity",

Convinced that maximum international cooperation among States is needed in order to ensure a thorough investigation of war crimes and crimes against humanity, as well as to bring to trial their perpetrators,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, as well as the Vienna Declaration and Programme of Action, especially Part II, paragraph 91 thereof, and the Statute of the International Criminal Court,

- 1. Affirms that within the framework of international cooperation in the search for, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, the highest priority should be given, independently of the circumstances in which these violations are committed, to legal proceedings against all individuals responsible for such crimes, including former heads of State or Government whose exile serves as a pretext for their impunity;*
- 2. Urges all States to cooperate in order to search for, arrest, extradite, bring to trial and punish persons found guilty of war crimes and crimes against humanity;*
- 3. Reaffirms the principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity recorded in General Assembly resolution 3074 (XXVIII) of 3 December 1973, in particular:*

Every State has the right to try its own nationals for war crimes and crimes against humanity;

War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is prima facie evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment;

States shall cooperate with each other on a bilateral and multilateral basis, with a view to halting and preventing war crimes and crimes against humanity;

States shall assist each other in searching for, arresting and bringing to trial persons against whom there is prima facie evidence that they have committed such crimes and, if they are found guilty, in punishing them;

Persons against whom there is prima facie evidence that they have committed war crimes and crimes against humanity shall be subject to trial before an independent impartial tribunal, in conformity with the requirements of due process, and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall cooperate on questions of extraditing such persons. Persons charged with war crimes and crimes against humanity shall not be allowed to claim that the actions fall within the "political offence" exception to extradition, unless the requested State tries the suspect itself;

States shall not take any legislative or other measures which may be prejudicial to the international obligations they have assumed in regard to the search for, arrest, extradition and punishment of persons found guilty of war crimes and crimes against humanity;

In cooperating in the search for, arrest and extradition of persons against whom there is prima facie evidence that they have committed war crimes or 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 Cooperation among States in accordance with the Charter of the United Nations;

4. *Affirms* that States have an obligation to cooperate in the arrest, extradition, trial and punishment of persons found guilty of war crimes and crimes against humanity, including former heads of State or Government, keeping in mind the purposes and principles of the Charter of the United Nations and generally recognized norms of international law;

5. *Urges* all Governments to implement the relevant resolutions of the General Assembly and other United Nations bodies and to take measures in accordance with international law to put an end to and prevent war crimes and crimes against humanity and to ensure the punishment of all persons found guilty of such crimes, or their extradition to those countries where they have committed such crimes, even when there is no treaty to facilitate that task.

27th meeting
16 August 2001
[Adopted without a vote..]