Recommendation 855 (1979)[1]

Statutory limitation of war crimes and crimes against humanity

Parliamentary Assembly

The Assembly,

1. Considering that, following its Recommendations 415 (1965) and 549 (1969), the Council of Europe concluded in 1974 the European Convention on the non-applicability of statutory limitation to crimes against humanity and war crimes ;

2. Considering that crimes against humanity and war crimes are among the most serious and horrible crimes ;

3. Considering, therefore, that statutory limitation should never apply to the prosecution of these offences, or to the enforcement of the sentences imposed for them ;

4. Expressing its keen disappointment at the fact that none of the Council of Europe member states has ratified the Convention of 1974, and that it has been signed only by France ;

5. Regretting that the principles laid down in the Convention have not been introduced in the national law of all Council of Europe member states ;

6. Considering that it is not possible to extradite war criminals from those member states where statutory limitation periods have expired ;

7. Referring to the petition submitted by Mr Virgile Barel and others concerning the possibilities for extradition of war criminal Klaus Barbie, and the report of its Legal Affairs Committee in respect of this petition (Doc. 4106) ;

8. Greatly concerned over the fact that many crimes committed during the Second World War have not yet been punished ;

9. Believing that Council of Europe member states should do everything they can, both individually and in close co-operation, to search for and prosecute the most serious of the surviving criminals of the Second World War, and to bring them to trial,

10. Recommends that the Committee of Ministers :

10.1. invite member governments to sign and ratify the European Convention on the non-applicability of statutory limitation to crimes against humanity and war crimes of 1974 ;

10.2. invite member governments to take whatever steps may be necessary to ensure that neither the application of statutory limitation nor the implementation of any other legal measures should enable crimes against humanity and other very serious crimes to escape punishment ;

10.3. invite member governments to improve their co-operation, co-ordination and exchange of information for the purpose of prosecuting the perpetrators of these serious crimes by :

a. providing rapidly all relevant information on these crimes to the competent authorities of the member states concerned ;

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1. Assembly debate on 2 February 1979 (25th Sitting) (see Doc. 4275, report of the Legal Affairs Committee). Text adopted by the Assembly on 2 February 1979 (25th Sitting).

b. providing facilities for rapid direct contacts between the authorities responsible for the search for and prosecution of the perpetrators of these crimes in member states ;

c. studying further possibilities for co-operation and co-ordination in respect of these crimes ;

d. preparing a special wanted persons' list in respect of these crimes ;

e. considering the possibility of appointing a special public prosecutor in charge of the prosecution of these crimes ;

10.4. instructs the European Committee on Crime Problems to consider these proposals at its next plenary sitting (Strasbourg, 19-23 March 1979).