



Recommendation 1189 (1992)¹

Establishment of an international court to judge war crimes

Parliamentary Assembly

1. The Assembly deplores the fact that, despite international détente, conflicts still persist, and is aware of the international community's outrage at the fact that war criminals who committed crimes during recent conflicts remain unpunished.
2. It recalls that, although second world war criminals were tried by the Nuremberg and Tokyo tribunals, there is still no permanent international court to try war criminals. Under present international law there is no international court with jurisdiction over war crimes, or over crimes against peace and crimes against humanity, including the crime of genocide, which are just as unacceptable to the conscience of humanity.
3. These three types of crime have been defined in several generally accepted international texts, including the London Agreement of 8 August 1945, the United Nations Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide, the Geneva conventions of 1949 and several other United Nations conventions.
4. Various initiatives aimed at setting up an international criminal court have so far failed, particularly because they made the prior codification of these types of crime a precondition.
5. The Assembly does not consider it necessary to draw up a code prior to the establishment of an international court for which the recent developments in international relations seem favourable today.
6. It refers to the resolution adopted by the Inter-Parliamentary Union at its 86th Session in October 1991 (Santiago, Chile) urging the States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide to set up the international criminal court provided for in the convention.
7. The Assembly urges the International Law Commission which, under the auspices of the United Nations, has been meeting since 1990, to come to a decision within the next twelve months.
8. The Assembly recommends establishing an international criminal court by means of a multilateral convention to be drafted by an international diplomatic conference convened under the auspices of the United Nations.
9. The Assembly, therefore, recommends that the Committee of Ministers call upon member states to act through the United Nations to secure the convening of an international diplomatic conference to prepare a convention on the setting up of a criminal court, and support such action.

1. See [Doc. 6587](#), report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mrs Haller. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 1 July 1992.

