Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13234
18 June 2013

Impunity of perpetrators of crimes committed by totalitarian communist regimes in Europe

Motion for a recommendation
tabled by Mr Latchezar TOSHEV and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Only justice can lead to reconciliation, overcoming the rift in societies split by the repressions committed by totalitarian communist regimes, and to reunification around common values.

Many ex-communist member States apply legal prescriptions for statutory limitations of 20 or 30 years, which makes it impossible to bring to Court the perpetrators of the most severe crimes as the perpetrators of crimes committed by national-socialist regimes. The impunity of the perpetrators of crimes against political opponents is detrimental to public moral values.

This impunity contradicts the provisions of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, which state that their principles shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations. When these crimes were part of the repressive policies of totalitarian regimes, and victims were deprived of their right to legal defence, no legal statutory limitation shall be applied in accordance with the general legal principle "Contra non valentem agere nulla currit praescriptio".

Part of these crimes fall under the definitions of crimes against humanity as described in Article 6-c of the Charter of the International Military Tribunal, confirmed by United Nations Resolution 3 (I)/13.02.1946 and Resolution 95(I)/11.12.1946, the United Nations Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity and Article 7 of the Rome Statute of the International Criminal Court.

The Parliamentary Assembly therefore calls on the Committee of Ministers to study such cases and to recommend that member States implement appropriate measures in order to guarantee justice for the victims and punishment of the perpetrators of these crimes.

Signed (see overleaf)

Signed[1]*:*

TOSHEV Latchezar, Bulgaria, EPP/CD
ČIGĀNE Lolita, Latvia, EPP/CD
FISCHER Axel E., Germany, EPP/CD
FRITZ Erich Georg, Germany, EPP/CD
GHILETCHI Valeriu, Republic of Moldova, EPP/CD
GROZDANOVA Dzhema, Bulgaria, EPP/CD
HAUPERT Norbert, Luxembourg, EPP/CD
HENNRICH Michael, Germany, EPP/CD
HERKEL Andres, Estonia, EPP/CD
HÖRSTER Joachim, Germany, EPP/CD
HÜBINGER Anette, Germany, EPP/CD
IVANOV Stanislav, Bulgaria, EPP/CD
NENKOV Aleksandar, Bulgaria, EPP/CD
NIKOLOSKI Aleksandar, "The former Yugoslav Republic of Macedonia", EPP/CD
PETROV Petar, Bulgaria, EPP/CD
POURBAIX-LUNDIN Marietta, de, Sweden, EPP/CD
RÖRING Johannes, Germany, EPP/CD
SASI Kimmo, Finland, EPP/CD
SOKOLOVA Irena, Bulgaria, EPP/CD
STRENZ Karin, Germany, EPP/CD
VAREIKIS Egidijus, Lithuania, EPP/CD
VOLONTÈ Luca, Italy, EPP/CD
WADEPHUL Johann, Germany, EPP/CD
ZINGERIS Emanuelis, Lithuania, EPP/CD

1. EPP/CD: Group of the European People's Party