



Recommendation 549 (1969)¹

Statutory Limitation as applicable to crimes against humanity

Parliamentary Assembly

The Assembly,

1. Recalling its [Recommendation 415 \(1965\)](#) on statutory limitation as applicable to crimes against humanity, Written Question No. 128 by Mr. Silkin and others and the reply of the Committee of Ministers ([Doc. 2409](#)) ;
2. Referring to its [Resolution 401](#) ;
3. Noting with regret that, in spite of the Assembly's insistence, the Committee of Ministers did not agree to act on [Recommendation 415](#) but preferred to await the outcome of the work of the United Nations, arguing that it would be better to establish an international rule of general application rather than a text, whose application would be limited to the member states of the Council of Europe ;
4. Noting that on the occasion of the recent vote of the General Assembly of the United Nations on the Convention on the non-applicability of statutory limitations to war crimes and to crimes against humanity, only one member state of the Council of Europe (Cyprus) voted in favour of the Convention, whereas one member state of the Council of Europe (the United Kingdom) voted against and all the other member states of the Council of Europe who belong to the United Nations abstained, not through opposition to the principle of non-applicability of statutory limitations to crimes against humanity, but because of deficiencies in the United Nations text ;
5. Noting that the policy of the Committee of Ministers to await the outcome of the work of the United Nations has been fruitless, since the outcome was deemed unacceptable by almost all the member governments of the Council of Europe ;
6. Expressing the hope that in the circumstances the Ministers will now act on [Recommendation 415](#) of the Assembly ;
7. Stressing the point that, leaving aside past events which should be condemned, it is important to draw up in Europe a rule for uniform conduct in the future,
8. Recommends that the Committee of Ministers :
 - a. invite member governments to take immediately appropriate measures for the purpose of preventing that, by the application of the statutory limitation or any other means, crimes committed for political, racial and religious motives before and during the second world war, and more generally crimes against humanity, remain unpunished ;
 - b. instruct a committee of governmental experts to draw up as soon as possible a European convention on the non-applicability of statutory limitations to crimes against humanity, taking into account the criticism raised against the United Nations Convention by the representatives of several European states.

1. Assembly debate on 30 January 1969 (26th Sitting) (see [Doc. 2506](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 30 January 1969 (26th Sitting).

