

FIFTH INTERNATIONAL CONGRESS OF PENAL LAW (Geneva, 28-31 July 1947)⁵

Topics:

1. How can a state, by its national law, contribute to the peace of another state?
2. Principle of opportunity and principle of legality in matter of penal proceedings

I. How can a state, by its national law, contribute to the peace of another state?

A resolution might have been adopted although only by the majority of votes and though certain delegations, like the Belgian delegation, refrained from voting. This resolution is drawn up as follows:

The fifth international Congress of Penal Law expresses the desire that, in each state the repression of attacks on the safety of other states be efficaciously assured; that the equality of penal protection of the national and foreign currencies be assured; that the repression of war crimes be assured by extradition, with all guarantees resulting from the intervention of the judicial authorities, or that these crimes be judged on the territory of the proper state; that penal protection of the peace results as the national law, from thorough repression of the acts of propaganda for war of aggression and acts destined to favor the activity of the state declared aggressor by the competent international authority; that it results also from the institution of a permanent international jurisdiction, called to rule on positive and negative conflicts of competence, and to know especially of crimes against the peace, crimes of war, and crimes of treason against humanity.

II. - Principle of opportunity and principle of legality in matter of penal proceedings.

Considering that the special reports and the general report as well as the discussions have stressed the special difficulty and, simultaneously the great interest of the question whether all offences *must* be prosecuted according to law or prosecution should only take place where it

⁵ RIDP, vol. 19 3-4, 1948, pp. 409-410 (French); p.424-425 (English). See also RIDP vol.19 3-4, 1948, pp.424-425.

seems necessary and desirable for public interest question which figures as second item on the programme.

Considering furthermore that in consequence of the aforesaid difficulty and interest, the motion has been passed, as a conclusion of the first debates, to form a special committee for the further study and reconsideration of the question.

The Vth International Congress of Criminal Law

requires the Board of Directors of the International Penal Law Association.

1) to form a special Committee for

a) the further collecting of useful information concerning legal systems adopted by the different countries.

b) the examination of this problem in connection with offences of which presents an international interest.

2) to submit the problem once more, as a leading question to the consideration of one of the next Conferences of the Association.