

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL
E/CN.4/SR.324
27 June 1952
ENGLISH
ORIGINAL: FRENCH

COMMISSION ON HUMAN RIGHTS

Eighth Session

SUMMARY RECORD OF THE THREE HUNDRED AND TWENTY-FOURTH MEETING

Held at Headquarters, New York,
on Thursday, 5 June 1952, at 3.30 p.m.

CONTENTS:

Draft international covenants on human rights and measures of implementation (E/1992; E/CN.4/528, E/CN.4/528/Add.1; E/CN.4/L.166, E/CN.4/L.124, E/CN.4/L.126, E/CN.4/L.127, E/CN.4/L.133, E/CN.4/L.134, E/CN.4/L.142, E/CN.4/L.145, E/CN.4/L.146, E/CN.4/L.147, E/CN.4/L.154/Rev.1, E/CN.4/L.196, E/CN.4/L.197) (continued)

<u>Chairman:</u>	Mr. MALIK	Lebanon
<u>Rapporteur:</u>	Mr. WHITLAM	Australia
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. SANTA CRUZ	Chile
	Mr. CHENG PAONAN	China
	Mr. GORBAL	Egypt
	Mr. CASSIN	France
	Mr. JUVIGNY	

Members (continued):

Mr. EAFIAMEELIS	Greece
Mrs. MERTA	India
Mr. WAHEED	Pakistan
Mr. BORATYNSKI	Poland
Mrs. RÖSSEL	Sweden
Mr. EDVALENED	Ukrainian Soviet Socialist Republic
Mr. MIROZOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROOSEVELT	United States of America
Mr. BRACCO	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Also present: Miss MARAS Commission on the Status of Women

Representatives of non-governmental organizations:

Category B and Register:

Mrs. PARSONS	International Council of Women
Mrs. SOUDAN	International Federation of Business and Professional Women
Miss GARTLAN	International Union of Catholic Women's Leagues
Miss ROBB	Liaison Committee of Women's International Organizations
Mrs. WALSER	Women's International League for Peace and Freedom
Mr. RONALD	World Union for Progressive Judaism

Secretariat:

Mr. LIE	Division of Human Rights
Mr. LAS	Secretaries of the Commission
Miss KITCHEN	

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(E/1992; E/CN.4/528, E/CN.4/528/AAA.1; E/CN.4/L.166, E/CN.4/L.124,
E/CN.4/L.126, E/CN.4/L.127, E/CN.4/L.133, E/CN.4/L.134, E/CN.4/L.142,
E/CN.4/L.143, E/CN.4/L.146, E/CN.4/L.147, E/CN.4/L.154/Rev.1, E/CN.4/L.196,
E/CN.4/L.197) (continued)

Article 10 (continued)

The CHAIRMAN recalled that the French representative had submitted a procedural motion at the end of the 323rd meeting to the effect that the Commission should reconsider its decision to delete the last sentence of article 10,

Mrs. ROOSEVELT (United States of America) supported the motion.

Mrs. MEHTA (India) considered that, in view of the complexity of the question, it would be preferable not to reverse the decision at that stage.

Mr. NISOT (Belgium) insisted that the Commission should reconsider its decision.

Mr. WHITLAM (Australia) supported the Indian representative's views.

Mr. JUVENY (France) supported the proposal to reconsider the Commission's decision and thought that, since the problem was relatively simple, a very short debate would suffice.

The proposal to reverse the decision which the Commission had taken concerning the inclusion in article 10 of a clause based on the last sentence of paragraph 3 of the original text was rejected by 8 votes to 8, with 1 abstention.

Paragraph 4 (formerly paragraph 3) of article 10 was adopted by 13 votes to 2, with 2 abstentions.

Article 10 as a whole, as amended, was adopted by 14 votes to none, with 3 abstentions, one member being absent at the time of the vote.

/Mrs. MEHTA

Mrs. MEHTA (India) said that she had voted for article 10 as a whole because she approved of it in principle although she opposed some of its provisions.

Mr. HOARE (United Kingdom) said he had voted against paragraph 3 because the amendments made in it obliged States to grant compensation in cases where decisions had been reversed on appeal. He had voted for the article as a whole because he approved of the guarantees it contained and considered that, except for paragraph 3, its wording had been improved by the Commission.

Article 11

The CHAIRMAN called upon the Commission to consider article 11, to which the United Kingdom delegation had submitted an amendment (E/1992, Annex III, Section A).

Mr. HOARE (United Kingdom) said that the first part of his delegation's amendment was intended to delete the third sentence of paragraph 1 of article 11, which contradicted the principle which was implicit in the first two sentences of the paragraph; namely, that the law in force at the time when the penalty was imposed should govern the penalty. The third sentence was thus unnecessary and its inclusion implied an opposite principle. If, after the commission of the offences, provision were made by law for the imposition of a heavier penalty, the offender might equally well be sentenced to the heavier penalty. Moreover, the words "lighter penalty" were uncertain for countries, such as the United Kingdom, whose legislation prescribed maximum penalties.

The second part of the United Kingdom amendment proposed to include in paragraph 2 the words "any act or omission", to correspond with the same phrase in paragraph 1.

The purpose of the third part of the United Kingdom amendment was to replace the last six words of paragraph 2 by the words "the general principles of law recognized by civilized nations", which were used in the Statute of the International Court of Justice.

Mr. MURDOV (Union of Soviet Socialist Republics) did not consider that any part of the United Kingdom amendment was satisfactory. The first proposed to delete a provision which appeared in the legislation of many countries.

If a new law prescribed a heavier penalty than that in force when the offence was committed, it was humane to apply the lighter penalty.

The United Kingdom amendment to paragraph 2 merely complicated a clear text. The United Kingdom representative had not explained what he meant by "civilized nations", and no doubt thought that certain States were not entitled to that description. That wording might be interpreted in the colonial sense, and the USSR delegation therefore preferred the existing text. Furthermore, paragraph 2 confirmed the idea that had emerged during the Nurnberg trials, that the war criminals had been sentenced for having violated generally-recognized principles of law.

Mrs. ROOSEVELT (United States of America) said that her delegation would support the United Kingdom amendment. The third sentence of paragraph 1 should be deleted because its drafting was unsatisfactory and it did not take into account the question whether the law made after the offence had been made before or after the conviction. The provision would be difficult to apply in cases of fraud against the Revenue in connexion with a tax abolished subsequently, and in cases of violation of temporary or emergency laws.

The replacement of the word "act" by the words "act or omission" was an improvement, but she thought that that substitution made it necessary to replace the words "it was committed" by the words "it took place".

She thought that the United Kingdom delegation was right in proposing in the third part of its amendment to repeat the words of article 30, paragraph (c) of the Statute of the International Court of Justice.

Mr. NISOT (Belgium) said that article 11 should likewise bar conviction in the case of an act which, though an offence at the time when it was committed, had ceased to be an offence by the time of the trial.

The CHAIRMAN thought that the third sentence of paragraph 1 might be taken to apply to such a case.

Mr. CASSIN (France) did not consider that article 11 should be amended without serious cause. He suggested that British law might be amended to conform to the trend of opinion expressed in the third sentence of paragraph 1.

The Belgian representative's remark seemed to raise problems outside the principles laid down in article 11. He thought it dangerous to allow offenders against the temporary laws to which the United States representative had referred to count on the extinction of their offences by time.

As regards paragraph 2, the motives of the third part of the United Kingdom amendment were most laudable, and, contrary to the USSR representative's assertion, the meaning of the expression "civilized nations" was clear: the phrase referred to nations which had a fully-developed legal system and now applied to all nations, thanks to the efforts of those which had first set up such systems. The USSR had signed the Statute of the International Court of Justice, from which the expression had been taken. Nevertheless, he would prefer some wording such as "general principles of law recognized by the community of nations".

Mr. NISOT (Belgium) considered that the concept of treason, for example, might depend on which regime was in power and that it would be anomalous for a regime to convict persons deemed to be traitors only by a regime no longer in power.

Mr. CASSIN (France) thought that that notion would operate for the benefit of persons who disobeyed the law of their country.

Mr. NISOT (Belgium) formally proposed the addition of a new paragraph to article 11, as follows: "3. No sentence shall be passed for any act or omission which does not constitute an offence at the time when the penal judgment is given."

Mr. HOARE (United Kingdom) stated, in reply to the USSR representative, that the second sentence of article 11 provided an exception to the principle that the law in force at the time should govern the penalty, but that the last sentence implied the existence of some contrary principle. The examples given by the United States representative showed the difficulties of application to which the last sentence might give rise. In reply to the French representative, he pointed out that the United Kingdom had accepted the second sentence, which would involve some change in its law, but its practice as regards the imposition of penalties was, like that of most countries, fully in accord with the third sentence. That sentence seemed, however, to go much further than the question of imposition of penalties and gave rise to many difficulties of interpretation.

The USSR representative's remarks concerning the third part of the United Kingdom delegation's amendment seemed to refer to the Charter and to the Judgment of the Nurnberg Tribunal. The addition had not been proposed in a colonialist spirit, and it seemed better to use the wording of Article 3 of the Statute of the International Court of Justice than that suggested by the French representative.

Mr. SANTA CRUZ (Chile) thought the provision contained in the third sentence in paragraph 1 of article 11 was logical and that the exceptional cases to which reference had been made in no way justified its deletion. For example, a tax could be suppressed but the penalties for fraud in connexion with the tax might still be applied. Since penal legislations were subject to development, it would be dangerous if the application of penalties could not follow that development, and it would be unjust if the offender could not benefit by a lighter penalty.

His delegation was in favour of the Belgian amendment and the second part of the United Kingdom amendment, which solved the difficulty that might be raised by the expressions "crimes" and "offences".

So far as concerned the third part of the United Kingdom amendment he, like the representative of the USSR, preferred the present text. His delegation would even have preferred paragraph 2 to form a separate article, since article 11 was to contain only general provisions.

Mr. MEROZOV (Union of Soviet Socialist Republics) expressed the view that neither the representative of the United Kingdom nor the representative of France had explained the meaning of the words "civilized nations". The

representative of the United Kingdom had referred to the Statute of the International Court of Justice, but he himself considered that even there those words were not very fortunate. Article 9 of the Statute contained expressions that were very much more preferable. The representative of France had stated that there was no longer any hierarchy among the nations, but actually he had paid tribute only to the countries of Western Europe, whereas certain Asian countries had a civilization at least as old and respectable. A wording which was offensive to certain States should therefore be abandoned.

The representative of the United Kingdom had admitted that the clause embodied in the third sentence of paragraph 1 was admitted by all States, thus proving that there was no difficulty in accepting it. That sentence in no way contradicted the two preceding sentences, but expressed a third idea. The United Kingdom representative's line of thought might lead to the abolition of prescription.

So far as concerned the third part of the United Kingdom amendment, the wording of article 11, paragraph 2, was preferable and obviated the danger that the Nazis or their successors might claim that they could not be judged because their crimes were not contrary to any written laws. Under the existing text it was sufficient to show that their crimes were contrary to the general principles of law. There was therefore no contradiction between the two paragraphs of article 11.

The CHAIRMAN requested the Commission to pass upon the admissibility of the Belgian amendment. Since there were no objections, he declared that the Commission was seized of that amendment.

Mr. NESOT (Belgium) said that in his amendment (E/CN.4/L.190) he had slightly revised the text which he had previously read.

Mr. BERTYNGKI (Poland) expressed the view that the last part of the United Kingdom amendment was open to criticism not only in substance, as had been very well shown by the representative of the USSR, but also in pure logic, since nations which recognized the general principles of law were

/necessarily

necessarily civilized nations. The occurrence of that expression in the Statute of the International Court of Justice proved nothing. Article 38 (a) of the Statute, indeed, referred to "rules expressly recognized by the contesting States", while paragraph (b) spoke of "general practice". It was therefore open to question whether the expression appearing in paragraph (c) was not the result of a mistake which it would be regrettable to perpetuate. He wondered whether the United Kingdom representative would not withdraw his amendment.

Mr. JEVREMOVIC (Yugoslavia) said that, for the sake of uniformity, he was in favour of inserting in article 11, paragraph 2, the word "omission", which already appeared in paragraph 1, although under most legal systems the word "act" also included omissions. He could not support the last part of the United Kingdom amendment, for, although he did not wish to deny the validity of the principle underlying the expression employed and sanctioned by the Statute of the International Court of Justice, he thought it would be regrettable to adopt a wording which seemed to establish a distinction between peoples. No principle of law could be regarded as the exclusive property of one nation, for the various legal systems had mutually influenced each other and had common origins. The Commission might perhaps adopt the words "the principles of law recognized by the majority of nations". He could not agree to the deletion of the third sentence of paragraph 1. The first and third sentences were indeed closely linked and expressed two different aspects of the same idea, namely that a law posterior to an offence could not be applied unless it were more favourable to the offender. The principle which the Commission had wished to establish would be mutilated by the proposed deletion. The present wording was not absolutely satisfactory; and therefore, in agreement with the delegation of Uruguay, the delegation of Yugoslavia had decided to submit an amendment (E/CN.4/L.197).

Mrs. MEHTA (India), like the representative of the United Kingdom, was of the opinion that there was a contradiction between the first two sentences of paragraph 1 expressing the principle of the non-retroactivity of penal laws and the third sentence, which on the contrary provided for the

possibility of retroactive legislation. She would not therefore support that sentence, for, while it was conceivable that exceptions might be made to the principle of non-retroactivity, for humanitarian reasons, those exceptions must not be made into a general principle embodied in the covenant. Such a provision might give rise to serious difficulties, as had been pointed out by the representative of the United States of America. She had always been opposed to the adoption of paragraph 2; she recalled the arguments in favour of the deletion of that paragraph which had been advanced by the Belgian representative in the Economic and Social Council and which appeared in paragraph 163 of the Secretary-General's memorandum (E/CN.4/523).

Mr. EDARE (United Kingdom) cited, for the benefit of the representatives of Poland and the USSR, the case of Nazi Germany, which justified the adoption of the wording proposed by his delegation.

Mr. SANTA CRUZ (Chile) noted with satisfaction that, in the opinion of the USSR representative, paragraph 2 did not refer to a particular case but was intended to express a principle valid for the future. The representative of the USSR, however, pointed out that the paragraph reinforced the principle expressed in paragraph 1 by the words "international law". He himself shared that opinion, but considered that paragraph 2 might lead to confusion instead of clarifying the principle. It was drafted in terms which might give the impression that an exception was being made to the principle of the non-retroactivity of penal laws. It appeared from paragraph 164 of document E/CN.4/523 that an effort of interpretation was needed to give paragraph 2 the meaning indicated by the representative of the USSR. Furthermore, it must not be forgotten that at the time when the Universal Declaration of Human Rights was being drafted, an identical provision had been rejected because it seemed to imply a reference to the case of the Nurnberg trials. He would therefore vote against the paragraph, and, to avoid all confusion, he suggested that the reference in paragraph 1 might be classified as follows: "under national law or the generally recognized principles of international law or other sources of international law".

/There was

There was in his view no contradiction between the first and third sentences of paragraph 1. It had been pointed out that the first two sentences prohibited the retroactive application of any law which established a penalty. It should, however, be noted that a law providing for the mitigation of a penalty could not be regarded as imposing a penalty. The only purpose of paragraph 1 was to prevent the law-maker from describing a posteriori as an offence an act which, at the time when it was committed, did not constitute an offence, or from increasing, after the commission of the offence, the penalty applicable to the offender.

Mr. CASLIN (France) repeated that in his opinion the wording of paragraph 1 was perfectly satisfactory. In practice France acted in the way recommended by the Uruguayan and Yugoslav amendment, applying the most favourable law to the offender. It was not desirable, however, to elevate that practice to the status of a conventional principle, for that would be tantamount to depriving States of the power to punish infringements of legislative provisions adopted during a period of crisis and subsequently repealed. That rule of indulgence must not benefit people who cynically violated such laws, or enable them to evade punishment.

The proposal to include in the Declaration a provision identical with that appearing in paragraph 2 had been rejected because in that case the purpose had been to proclaim general principles which should be respected in the future. The situation was different in relation to the covenant, and it was quite in order that nations which had suffered from the Nazi atrocities should think of sentences which had been imposed and of the judicial action proceeding at the present time. He therefore urged the members of the Commission not to oppose the retention of paragraph 2. He also recalled his suggestion relative to the last part of the United Kingdom amendment and asked the Commission to consider whether the wording "general principles of law recognized by the community of nations" might not meet with the approval of the majority.

Mrs. ROOSEVELT (United States of America) said she would vote against paragraph 2, on which she shared the Chilean representative's opinion. She would also vote against the Belgian amendment, which might allow offenders to

escape punishment if they were fortunate enough to have their conviction postponed. Leniency in the matter was always within the judge's discretion, but there should not be a mandatory principle; prescription was a sufficient safeguard.

Mr. BOBATYNSKI (Poland) pointed out that the first sentence of article 11 stated the principle of the non-retroactivity of penal laws so far as the creation of offences was concerned, while the second sentence stated the same principle for penalties. The third sentence merely provided for a merciful exception to those principles; similar provisions were found in a number of penal codes. The paragraph was quite justified and he would vote against the various amendments that had been submitted.

Mr. WHITLAM (Australia) said that his country would find it extremely difficult to enact into its laws the provision stated in the last part of paragraph 1; he would therefore support the first part of the United Kingdom amendment. He was not sure, however, that the Belgian amendment was desirable. In Australia, when certain fiscal laws, for example, were repealed, steps were taken to maintain in force the provisions referring to offences committed before the repeal; the Belgian amendment might make it impossible to maintain such provisions in force, although their retention was completely justified.

Paragraph 2 would seem superfluous from the strictly legal point of view, but in view of the comments of the United Kingdom and French representatives he would vote in favour of it; he would support the United Kingdom amendments to that paragraph.

Mr. NISOT (Belgium) said, in reply to the representatives of France, the United States and Australia, that a court would be setting itself up as a legislature if it treated as punishable an act which the law had ceased to treat as an offence. The Belgian amendment merely gave expression to the generally accepted maxim: nullum crimen sine lege. Obviously, the amendment did not apply to repealing legislation which contained a proviso concerning punishable acts committed before its entry into force, for in that case such acts remained offences.

/Be considered

He considered paragraph 2 superfluous for its contents were adequately covered by paragraph 1. If paragraph 2 were allowed to stand, the impression would be conveyed that it had been felt necessary to validate ex post facto the Nurnberg judgments, whereas those judgments were valid per se.

Mr. BRACCO (Uruguay) said he would support the Belgian amendment, which was a necessary addition to paragraph 1; for one thing it took into account the fact that certain acts considered high treason under one political regime were no longer considered punishable under a different regime. Moreover, it was in conformity with the spirit of article 11, paragraph 1, the purpose of which was to allow offenders to benefit from the most favourable conditions possible.

His delegation would not vote in favour of the United Kingdom amendment to paragraph 1. The reasons for that attitude were made clear by the joint Uruguayan-Yugoslav amendment (E/CN.4/L.177), which attempted to express the two ideas set out in the last two sentences of paragraph 1 in a single sentence, making them more concise and explicit.

His delegation agreed with the delegations of Chile, the United States, India and Belgium that paragraph 2 was superfluous, for when paragraph 1 spoke of international law it clearly referred to criminal offences which were not necessarily covered by the national legislation of any particular country and provided that those offences could be judged in accordance with the principles of international law.

His delegation would abstain from voting on the words "by civilized nations" in the United Kingdom amendment to paragraph 2. It was true that they could be found in Article 38 of the Statute of the International Court of Justice, but they were very out-of-date and, despite the intentions of the United Kingdom representative, might give rise to offensive interpretations.

/Mr. MDROZOV

Mr. KROZOV (Union of Soviet Socialist Republics) pointed out that by citing Hitlerite Germany as an example of a non-civilized nation, the United Kingdom representative had implied that the whole German people was not civilized. A distinction must be drawn between a people and its leaders; regardless of the crimes the latter had committed, the people itself could not be included in the censure which Hitler and other criminals had deserved.

He reminded the Indian representative that the text of article 11, paragraph 2, which she wished to delete, had been adopted by the Commission at its session in 1950, at which the Soviet Union delegation had not been present. Furthermore, the principles of international law applied at Nürnberg had been reaffirmed in a General Assembly resolution and formulated by the International Law Commission, which had submitted to the General Assembly a draft code on crimes against the peace and security of mankind. There was no question, therefore, of the Commission setting a precedent or confirming the principles of international law recognized in the Charter and judgment of the Nürnberg Tribunal. Those principles had been recognized even before Nürnberg, and the acts which they qualified as criminal offences were still criminal offences even if not covered by national legislation.

With regard to the Belgian representative's statement that the Commission's adoption of paragraph 2 would look like an attempt to justify the Nürnberg judgment a posteriori, he thought that the Commission was not concerned with what had been done at Nürnberg. There was no question of giving retroactive force to the Nürnberg procedure, which had been entirely justified by the general principles of international law, which had not been invented at that time to meet that particular case. Paragraph 2 merely developed the general principle already stated in the first sentence of paragraph 1.

His delegation could not support the Belgian amendment (E/CN.4/L.196), which would make the first sentence of paragraph 1 too complicated.

Mr. SANTA CRUZ (Chile) considered that the French representative's argument in favour of retaining paragraph 2 was not valid. Mr. Santa Cruz recalled that he had stated that if paragraph 2 was intended to refer to the

Nurnberg trials, it would be preferable to include a special article in the covenant to that effect. The Commission should not give the impression that the crimes on which judgment had been passed at Nurnberg were an exception to the general provisions of paragraph 1, but that they were acts constituting criminal offences under the general principles of international law and were therefore covered by that paragraph.

Mr. HOARE (United Kingdom) protested against the distortion of his statement into a criticism of the German people which he had never made. It was obvious that those who recognized or failed to recognize general principles of law were not the people but those in control of the State.

In connexion with the Polish representative's comments on the rule of the non-retroactivity of laws, he recognized that it applied in the two first sentences of paragraph 1 of article 11, but maintained that the third sentence contradicted it. The covenant was not intended to lay down specific legal rules which States would undertake to apply regardless of their national legislation. The third sentence of paragraph 1 would extend to remission of sentence, which was the prerogative of the executive branch and the practical application of which should be left to the discretion of each State. In practice States applied that rule, but the covenant ought not to oblige them to do so, particularly in view of the difficulties of interpretation to which reference had already been made.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that he saw no reason to adopt the formula "general principles of international law recognized by the community of nations", proposed by France. There was no basic discrepancy between that formula and the formula already appearing in paragraph 2, but it did not improve the text of the paragraph. Moreover, it might perhaps be difficult to determine quantitatively what constituted the community of nations.

Mr. SANTA CRUZ (Chile) said that he would vote in favour of the joint amendment of Yugoslavia and Uruguay (E/CN.4/L.197), which was a useful answer to the difficulties raised by the third sentence of paragraph 1 and expressed the same idea as the Belgian amendment (E/CN.4/L.196) in a simpler form.

/Mr. HOARE

Mr. DEARE (United Kingdom) thought that the Belgian amendment could not be imposed as an obligation which States would undertake under the terms of the covenant. It did not take into account the differences between the legislations of different States.

As regards the joint amendment of Yugoslavia and Uruguay, the formula "no law subsequent to such acts...may be applied" effectively recognized the rule of non-retroactivity, but its effect would be to maintain archaic laws indefinitely in force and to prevent the application of penal legislation which, though more liberal in its general provisions, did not modify the maximum penalty in force.

Mrs. ROOSEVELT (United States of America) said that she would not vote in favour of the joint amendment (E/CN.4/L.197), because the formula was much too wide and might upset the criminal procedure applied in the different States. It would also raise major difficulties in the application of the penalties prescribed by laws subsequent to the offences.

Mr. BORATYNSKI (Poland) explained for the benefit of the United Kingdom representative that the rule of non-retroactivity applied in the cases provided for in the first and second sentences of paragraph 1. In the exceptional case in which a law subsequent to an offence provided for a more lenient penalty than the earlier law, the law would have retroactive effect to the benefit of the person convicted. On humanitarian grounds, therefore, the covenant ought to provide for retroactivity in that case.

Mr. JEVREMOVIC (Yugoslavia) said that he would vote in favour of the Belgian amendment (E/CN.4/L.196) and for the existing text of paragraph 2 of article 11. The joint amendment proposed by his delegation and the delegation of Uruguay was intended to simplify the idea set forth in the last two sentences of paragraph 1.

The CHAIRMAN put to the vote the Belgian amendment (E/CN.4/L.196) to paragraph 1 of article 11.

The amendment was rejected by 6 votes to 6, with 6 abstentions.

/The CHAIRMAN

The CHAIRMAN put to the vote the joint amendment of Yugoslavia and Uruguay (E/CN.4/L.197) to paragraph 1 of article 11.

The amendment was rejected by 6 votes to 4, with 8 abstentions.

The CHAIRMAN put to the vote the United Kingdom amendment (E/1992, annex III, section A, page 31) proposing the deletion of the third sentence of paragraph 1 of article 11.

The amendment was rejected by 10 votes to 5, with 3 abstentions.

The CHAIRMAN put to the vote paragraph 1 of article 11 as a whole.

The paragraph as a whole was adopted by 15 votes to none, with 3 abstentions.

The CHAIRMAN put to the vote the United Kingdom amendment (E/1992, annex III, section A, page 31) proposing that the words "the commission of any act" in paragraph 2 should be replaced by the words "any act or omission".

The amendment was adopted by 13 votes to none, with 5 abstentions.

Mrs. ROOSEVELT (United States of America) withdrew her verbal amendment proposing that the words "when it was committed" should be replaced by the words "when it took place".

The CHAIRMAN put to the vote the United Kingdom amendment (E/1992, annex III, section A, page 31) as verbally amended by France, replacing the words "the generally recognized principles of law" in paragraph 2 by the words "the principles of law recognized by the community of nations".

The amendment was adopted by 9 votes to none, with 5 abstentions.

The CHAIRMAN put to the vote the whole of paragraph 2 as amended.
The paragraph was adopted by 10 votes to 6, with 2 abstentions.

The CHAIRMAN put to the vote the whole of article 11 as amended.
Article 11 was adopted by 14 votes to none, with 4 abstentions.

Article 12

The CHAIRMAN put to the vote article 12 of the draft covenant.
Article 12 was adopted unanimously.

The meeting rose at 6.35 p.m.