

M I S C E L L A N E O U S

INTERNATIONAL SOCIETY FOR THE STUDY OF COMPARATIVE PUBLIC LAW

Consociatio Internationalis Studio Jurium Dedita Civiliū Comparativo

The Society was founded in 1968 and its secretariat set up in Washington. Jurists from over thirty countries are members of the Society, whose aim is to examine problems of comparative public law. Its last Conference, held at Geneva from 15 to 18 August 1972, was on the following theme: " the necessity of amending national public law in the area of war crimes, crimes against peace and crimes against humanity to honour fully a nation's obligations under the Geneva Conventions and developing international law ". Several items on the agenda, in particular, those items dealing with the repression of breaches of the Geneva Conventions of 1949, had some relevance to the work which the ICRC is currently carrying out on the reaffirmation and development of international humanitarian law applicable in armed conflicts.

In response to an invitation to participate in the Conference, the ICRC was represented by Mr. Claude Pilloud, Director, and Mr. Antoine Martin, Assistant to the Head of the Legal Division, who followed the proceedings as observers. Other staff members of the ICRC Legal Division were also present at discussions of specific items. Several speakers at this Conference had taken part in the Conference of Government Experts convened by the ICRC this year and in 1971 for the examination of provisions to be added to those already laid down in the Geneva Conventions of 1949.

The Conference did not seek to provide an exact definition of what constituted war crimes, crimes against peace and crimes against humanity. It examined primarily what were the obligations of a nation under international law to prevent the commission of these various crimes and to ensure the arrest of persons charged with such crimes and the punishment of those convicted. The Conference also considered the question whether national law was sufficient to guarantee the repression of breaches of the Third Geneva Convention, and, in particular, whether it prohibited and adequately punished persons who compelled prisoners of war to serve in the armed forces of an enemy power, or who deprived them of their right to regular and impartial trial in a court of law, or who handed them over to forces which were not parties to the Conventions.

In the context of its examination of the repression, through national law, of war crimes, crimes against peace and crimes against humanity, the Conference considered various problems such as terrorism, subversion, deportation of civilian populations, biological experiments, the taking of hostages, the use of certain weapons (of mass destruction, and biological and chemical weapons), to all of which the ICRC is giving its full attention within the framework of its studies on the development of international humanitarian law.

The questions of competent jurisdiction in this sphere (prosecution of nationals, non-military personnel and foreigners) and of the establishment of an international criminal court were also studied by the Conference.

This meeting provided the ICRC with some useful material as regards the additions to be brought to the articles of the 1949 Geneva Conventions relating to penal sanctions.