REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

Letter dated 4 June 1969 from the Permanent Representative of Poland
to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to a letter addressed to you by
Otto Winzer, Minister for Foreign Affairs of the German Democratic Republic
containing the following text:

"Excellency,

"I have the honour, on behalf of the Government of the German Democratic Republic, to inform you of the following:

"The Government of the German Democratic Republic has noted with satisfaction that on 26 November 1968 the twenty-third session of the United Nations General Assembly adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity by a great majority through its resolution 2391 (XXIII), thus affirming the long recognized principle of international law that war crimes and crimes against humanity, considered as the gravest under international law, shall not be subject to statutory limitations.

"In accordance with its policy principles the German Democratic Republic supports any measures and initiatives of the United Nations taken in the interest of maintaining and safeguarding the peace of the world. Therefore, the Council of State of the German Democratic Republic, acting on a motion of the Government, has declared on 7 March 1969 that the German Democratic Republic is ready to accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

"Aware of its responsibility towards the nations and complying with the legal obligations arising from the Potsdam Agreement and other documents of international law, the German Democratic Republic has punished the nazi and war criminals according to the gravity of the crimes committed by them, has

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eradicated militarism and nazism including their roots and built a social system that precludes a repetition of such crimes for all times.

"It corresponds to this policy that the laws and the administration of justice in the German Democratic Republic have always been in full accord with the irrevocable principle of international law according to which there is no period of limitation for war crimes and crimes against humanity and which has been affirmed in a contractual form. The law on the non-applicability of statutory limitations to nazi and war crimes passed by the People's Chamber on 1 September 1964 and the new penal code have given legal effect to the non-applicability of such limitation to crimes against peace, war crimes and crimes against humanity. The socialist Constitution of the German Democratic Republic of 8 April 1968 has established as a norm the principle of international law on the non-applicability of the statute of limitation to crimes against peace, war crimes and crimes against humanity.

"The laws referred to and their consistent application underline convincingly that in the German Democratic Republic the comprehensive and unlimited prosecution and punishment, in accordance with international law, of war criminals and persons guilty of crimes against humanity is fully assured.

"As the Government of the German Democratic Republic pointed out earlier in its statement of 2 October 1968 to the twenty-third session of the United Nations General Assembly (A/C.3/611), it holds the view that the universal nature of the principle of non-applicability of statutory limitations to war crimes and crimes against humanity as affirmed in the Convention requires that all States be allowed, without any restriction, to sign the Convention and/or declare their accession thereto. As it has also been proven in the debate on the Convention during the twenty-third session of the United Nations General Assembly, this demand of the Government of the German Democratic Republic is in full concordance with the views of a large number of United Nations Member States. It is time, therefore, to bring the terms of accession of the Convention which contradict the principle of universality into harmony with the purposes and principles of the United Nations, and to ensure that all States may become parties to the Convention.

"The Government of the German Democratic Republic is convinced that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity is an important instrument to cause and obligate all States - particularly also the West German Federal Republic whose statutory limitation legislation and administration of justice as regards war crimes and crimes against humanity are diametrically opposed to the United Nations Convention - to prosecute and punish such crimes in a comprehensive way and without applying the statute of limitation. This also has been clearly confirmed again by the latest session of the United Nations Commission on Human Rights as the result of which all States were called upon to immediately sign and ratify the United Nations Convention as well as to take all measures necessary to prosecute and punish war criminals and persons who have committed crimes against humanity.

"..."
"In continuing its previous policy the German Democratic Republic will do all in its power to help put into effect the purposes of the Convention which serve the world-wide protection of human rights, peaceful international co-operation, and the maintenance and safeguarding of peace.

"I request Your Excellency to bring this letter to the notice of all States Members of the United Nations as an official document.

"Accept, Excellency, the assurances of my most distinguished consideration.

"Berlin, 17 March 1969

"(Signed) WINZER
Minister for Foreign Affairs of the German Democratic Republic"

Since the above letter from the Ministry of Foreign Affairs of the German Democratic Republic dealing with an extremely important question relating to the United Nations activities, namely the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, has not so far been brought to the attention of the Member States of the United Nations, I should be grateful if you could have my present letter, containing the text of the letter from the Minister for Foreign Affairs of the German Democratic Republic, circulated as an official document of the General Assembly.

(Signed) Bohdan TOMOROWICZ
Ambassador
Permanent Representative of Poland
to the United Nations

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