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Press Release
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DISCUSSION TURNS TO RANGE AND DEFINITION OF PENALTIES IN DRAFT
STATUTE IN PREPARATORY COMMITTEE ON INTERNATIONAL CRIMINAL COURT

The statute of the proposed international criminal court should contain clearly defined penalties, speakers told the Preparatory Committee for the establishment of the court at this morning's meeting. Several representatives went on to say that if the statute was to be considered representative of all the legal systems of the world, it should include the death penalty.

Citing the Islamic legal code of the sharia, the representative of Egypt said that the death penalty should be included as an option, perhaps with aggravating circumstances. Switzerland, referring to the principle of *nulla poena sine lege* (no penalty without law), called for a precise scale of penalties in the statute.

The representative of Israel said persons prosecuted for serious crimes, but convicted only of lesser offences should be released. The international court will not be equipped to deal with misdemeanours.

Several delegations questioned the inclusion of fines as penalties, as provided for in the draft statute. While Switzerland said that any fines imposed by the court should be accompanied by terms of imprisonment, Israel added that if the final statute provided for the levying of fines, it should also provide for sanctions against those who did not pay them.

The representatives of Sweden and of Japan countered with the view that due to the serious nature of the crimes under consideration by the court, only prison sentences should be imposed.

The representative of Switzerland noted that the draft statute made no provision for the restitution of property acquired in criminal activities. The concept of restitution differed from that of compensation of victims, he said. Israel said that if crime victims were no longer alive, restitution should be made to their heirs. Failing that, payment should be made to the State of the victim's nationality. Sweden added that it had an "open mind"

on the question of reparations to victims.

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Penalties might be limited for humanitarian reasons, such as the age of accused persons, said the representative of Chile. The penalty of denying individuals the right to hold public or elected office might be added to the draft statute.

The representative of Germany suggested that the international criminal court may occasionally need recourse to the laws of the country in which crimes were committed. National laws were often better suited to the cultural context of the country in which crimes were committed. Egypt said that if genocide was not a crime under the laws of a State party, accused persons should be sentenced for an equivalent delict, such as mass murder.

According to the representative of Singapore, consistency in the punishment of offenders was the hallmark of a fair and impartial court. The proposed court would have little in the way of benchmarks or precedents to which it could turn. In determining sentencing, the court should take into account the extent and severity of damage caused by the crimes and any previous convictions of accused persons for similar offences.

When it meets again at 3 p.m. tomorrow, 23 August, the Preparatory Committee is expected to continue its discussion of applicable penalties for the international criminal court.

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