

for the proposed international criminal court. This will also be considered by the seventh session of the Assembly.

The International Law Commission first attempted to define what types of offences should be included in the code. It decided to limit them to those which contained a political element and which endangered or disturbed the maintenance of international peace and security. Thus the draft code does not include such matters as piracy, traffic in dangerous drugs, traffic in women and children, slavery and counterfeiting currency (the Assembly Committee on International Criminal Jurisdiction, which drafted the statute for the proposed international criminal court, also decided not to consider questions of this nature as coming within the terms of reference of the proposed court). Further, the Commission decided to deal with the criminal responsibility of *individuals only*. The Nuremberg Tribunal had stated in its judgment that crimes against international law are committed by men, not by abstract entities, and that only by punishing individuals who commit such crimes can the provisions of international law be enforced. The Commission also decided that it was not called upon to propose methods by which its draft code might be given binding force. It therefore refrained from drafting an instrument of implementation.

The first article of the draft code states that offences against the peace and security of mankind, as defined in the code, are crimes under international law for which the responsible individuals shall be punishable. The code then goes on to list offences of this nature. Any act of aggression, or any threat by the authorities of a state to resort to an act of aggression against another state, is to be considered an international crime, if it is committed for any purpose other than international or collective self-defence or in pursuance of a decision or recommendation of the United Nations. Likewise, the preparation by the authorities of a state for the employment of armed force against another state for any purpose other than the exception listed above is to be considered an international crime. Other crimes listed in the code include: the incursion into the territory of a state from the territory of another state of armed bands acting for a political purpose; the undertaking, encouragement or toleration by the authorities of a state of activities calculated to foment civil strife in another state, or of terrorist activities in another state; acts by the authorities of a state in violation of its obligations under a treaty which is designed to ensure international peace and security by means of restrictions or limitations on armaments, or on military training, or on fortifications; and acts resulting in the annexation, contrary to international law, of territory belonging to another state. Other acts of a different nature are separately listed in the draft code. These include those committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. This provision was designed to cover the crime of genocide. It embodies the killing of members of one of the listed groups, causing them serious bodily or mental harm, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Similarly, inhuman acts against any civilian population such as murder or extermination or enslavement or deportation or persecution of a