

political, racial, religious or cultural nature, are included in the list of offences. Finally, the proposed list includes acts in violation of the laws or customs of war.

According to the provisions of the draft code the fact that a person acted as head of state, as a responsible government official, or pursuant to an order of his government, or of a superior, does not relieve him from responsibility except, in the latter case, if he did not have a "moral choice" in the matter.

The *ad hoc* committee, which the General Assembly established for the purpose of drafting a statute of an international criminal court, met in the summer of 1951 and submitted a comprehensive report to the Assembly which will be considered at its seventh session. During the course of its work a number of complicated legal problems arose. In the committee's final report it stated that its proposals were offered as a contribution to a study which, in the committee's opinion, had yet to be carried several steps forward before the problem of an international criminal jurisdiction, with all its implications of a political as well as a juridical character, was ripe for decision.

The committee made a number of recommendations which are all embodied in the draft statute appended to its report. Thus it decided, by a vote of 9 to 2, that the jurisdiction of the court in regard to nationals of a certain state should be based on the consent of that state. Similarly it was decided that no individual should be tried before the court unless its jurisdiction had been accepted by the state in which the crime was alleged to have been committed. Another important question was whether the court should be competent to try individuals only or whether it could also try legal entities. Ultimately the committee expressed itself in favour of the principle that the court should be competent to pass judgment on the penal responsibility of individuals only. As regards penalties, the committee adopted the principle that the court shall impose such penalties as it may determine subject to any limitation which may be laid down in the instrument by which jurisdiction is conferred upon the court.

The discussion which will take place on these two related questions at the seventh session of the General Assembly promises to be an extremely important one from the point of view of international criminal law. The questions raised are of great complexity and there is by no means unanimous agreement among the members of the United Nations on the issues involved, if past discussions in the Assembly and its committees are any guide for the future.

International Court of Justice

The International Court considered several important questions, gave an advisory opinion on the effect of reservations to the Genocide Convention,¹ indicated interim measures of protection in Iran, and delivered judgments in the Haya de la Torre asylum case between Colombia and Peru, and in the Norwegian fisheries case. Perhaps

¹See "Reservations to Multilateral Conventions", pp. 129-131 of this Section.