International Criminal Law & Practice Training Materials

General Principles of International Criminal Law

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MODULE 3:
GENERAL PRINCIPLES OF INTERNATIONAL CRIMINAL LAW

Part of the OSCE-ODIHR/ICTY/UNICRI Project "Supporting the Transfer of Knowledge and Materials of War Crimes Cases from the ICTY to National Jurisdictions"

Developed by International Criminal Law Services

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CONTENTS

3. GENERAL PRINCIPLES OF ICL

3.1. INTRODUCTION

These training materials have been developed by International Criminal Law Services (ICLS) as a part of the OSCE-ODIHR-ICTY-UNICRI "War Crimes Justice Project", funded by the European Union. An introduction to how to use the materials can be found in Module 1, which also includes a case study and hypotheticals that can be used as training tools, and other useful annexes. The materials are intended to serve primarily as training tool and resource for legal trainers in Bosnia and Herzegovina (BiH), Croatia and Serbia, but are also envisaged for adaptation and use in other jurisdictions of the region. Discussion questions, tips, and other useful notes for training have been included where appropriate. However, trainers are encouraged to adapt the materials to the needs of the participants and the particular circumstances of each training session. Trainers are also encouraged to update the materials as may be necessary, especially with regards to new jurisprudence or changes to the criminal codes in their relevant jurisdiction.

Each Module provides a general overview of the international criminal law relevant to the Module's topic before discussing the relevant law and jurisprudence for BiH, Croatia, and Serbia, respectively. The materials make use of the most relevant and available jurisprudence. It should be noted that where a first instance judgement has been cited, the drafters have taken special care to ensure that the part referred to was upheld on appeal. It may be useful for trainers to discuss additional cases that might also be relevant or illustrative for each topic, and to ask participants to discuss their own cases and experiences.

3.1.1. MODULE DESCRIPTION

This Module covers two of the most fundamental principles of international criminal law: the principles of legality and double jeopardy. The application of these principles during prosecutions of international crimes before international and domestic courts is constantly evolving. Accused persons will often contest that the international crimes with which they are charged were not recognised as binding law at the time of their alleged commission. This Module will provide the basic outline of the application of these two principles, which must be taken into consideration in the Modules that follow on the substantive crimes.

There are other general principles of international criminal law which are set out in the statutes of international criminal courts (for example, Part 3 of the ICC Statute, which is entitled "General Principles of Criminal Law"). As these principles are discussed in other Modules on individual criminal responsibility (Module 9), superior responsibility (Module 10), defences (Module 11) and others, they are not addressed in this Module.

3.1.2. MODULE OUTCOMES

At the end of this Module, participants should understand:

- The principle of legality;
- How the principle of legality is applied in relation to customary international law and treaties;
- The principle of double jeopardy;
- How the principle of double jeopardy applies before international courts; and
- How these principles apply before their national courts.

Notes for trainers:

- It is essential that participants are instructed in the application of these two principles as a matter of international law. Depending on the specifics of their particular domestic jurisdictions, it would be good to encourage them to employ these principles—if and as modified in their particular domestic jurisdictions—to identify any problems that may arise in their national cases. The session could conclude with the participants discussing the solutions that could be adopted by their courts. Bear in mind that the discussion can be developed further in Module 5 dealing with the domestic application of ICL.
- Participants should also be alerted to the fact that other general principles of international criminal law will be discussed in the appropriate Modules that are to

3.2. PRINCIPLE OF LEGALITY

3.2.1. OVERVIEW

A central tenet of human rights law that applies directly to the international criminal law system is the principle that prohibits retroactive application of crimes and penalties. To incur criminal responsibility, behaviour must be prohibited and carry criminal sanction at the time of conduct. This is known as the principle of legality or *nullum crimen sine lege* and *nulla poena sine lege*. The principle of legality is an important principle in international criminal law, given the often imprecise nature of the sources of ICL (*e.g.* customary international law).

Just because conduct is not criminal under national laws does not generally bar a person from being tried for conduct that carries individual criminal responsibility under international law.

The principle of legality is enshrined in Article 15 of the International Covenant on Civil and Political Rights (ICCPR) (to which BiH, Croatia and Serbia are parties):

Article 15 of the International Covenant on Civil and Political Rights

(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

(2) Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Theoretically, according to this principle, if conduct is not criminal under national laws, this will not necessarily bar a person from being tried for that conduct under international law.

This has long been a contentious issue in ICL, including during trials at the Nuremberg and Tokyo tribunals.[1] It also influenced how the ICTY Statute was drafted.[2]

[1] ROBERT CRYER, ET AL., AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE 17 (2d. ed. 2010).
[2] *Ibid*.

The ICC Statute includes a specific provision on the principle of legality in its Article 22:

Article 22 of the ICC Statute

(1) A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.

(2) The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.

The article requires that the court only evaluate conduct that is a crime within the jurisdiction of the ICC, which is enumerated in the Rome Statute and explained in the ICC Elements of Crimes. It does not require that the conduct be a crime under national law, nor does it apply to the application of international criminal law beyond the ICC.

3.2.2. THE PRINCIPLE OF LEGALITY IN RELATION TO CUSTOM AND TREATY LAW

To avoid violating the principle of legality, specific violations must be criminal under customary or treaty law and entail individual criminal responsibility.

When determining the content of substantive ICL, the ICTY and ICTR generally test whether their Statutes reflect customary law. If so, they will apply the relevant article of the Statute. If not, they determine and apply custom. Generally, the ICTY and the ICTR do not rely on treaty law. The original reason for this approach is to avoid violating the principle of *nullum crimen sine lege* in the event that a party to the conflict did not adhere to a specific treaty.[3] These two issues will be explained in turn, below.

3.2.2.1. CUSTOMARY INTERNATIONAL LAW

When applying custom in criminal jurisdictions, it is essential to determine specifically what the content of the law was at the time of the crime, so as not to violate the principle of legality. It is also important to consider whether it is reasonable to conclude that the accused would have been aware of the criminal nature of his acts at the time they were committed.

For example, in the *Vasilijević* case at the ICTY, the accused was charged with "violence to life, health and physical or mental well-being of persons" listed in ICTR Statute Article 4 and ICTY Statute Article 3, stemming from Article 3 common to the Geneva Conventions.[4] The trial chamber in that case ultimately determined that even though the crime was listed in the ICTY

[3] Dario Kordić et al., Case No. IT-95-14/2-A, Appeal Judgement, 17 Dec. 2004, ¶ 46.
[4] Mitar Vasilijević, Case No. IT-98-32-T, Trial Judgement, 29 Nov. 2002.

Statute, it did not constitute an offence giving rise to criminal responsibility under customary international law at the time the crime was committed. The issue turned on the precision of the definition of the crime in customary international law. As noted in Module 2, at the ICTY, customary international law is the primary source of substantive international criminal law. Other jurisdictions need not and do not necessarily give custom as much or any prominence.

Factors that indicate an act is criminal under customary international law include the fact that "a vast number of national jurisdictions" have criminalised it, or that "a treaty provision which provides for its criminal punishment has come to represent customary international law".[5] When assessing those factors, the court "takes into account the specificity of international law, in particular that of customary international law".[6]

The ICTY explained:

> [T]he […] Chamber must further satisfy itself that the criminal conduct in question was sufficiently defined and was sufficiently accessible at the relevant time for it to warrant a criminal conviction and sentencing under the criminal heading chosen by the Prosecution […]. From the perspective of the *nullum crimen sine lege* principle, it would be wholly unacceptable […] to convict an accused person on the basis of a prohibition which, taking into account the specificity of customary international law and allowing for the gradual clarification of the rules of criminal law, is either insufficiently precise to determine conduct and distinguish the criminal from the permissible, or was not sufficiently accessible at the relevant time. A criminal conviction should indeed never be based upon a norm which an accused could not reasonably have been aware of at the time of the acts, and this norm must make it sufficiently clear what act or omission could engage his criminal responsibility.[7]

A criminal conviction should ever be based upon a norm which an accused could not reasonably have been aware of at the time of the acts.

The trial chamber first found that the conduct in question was regarded as criminal under international law and would give rise to individual criminal liability.[8] However, the ICTY trial chamber concluded that it could find no source or conclusive evidence of state practice prior to 1992 that would indicate a definition

[5] *Vasilijević*, TJ ¶ 199, *citing* Anto Furundžija, Case No. IT-95-17/1-T, Trial Judgement, 10 Dec. 1998, ¶¶ 177-186; Dragoljub Kunarac, Case No. IT-96-23/1T, Trial Judgement, 22 Feb. 2001, ¶¶ 438-460 (with respect to the state practice concerning the offence of rape); and Zejnil Delalić et al., Case No. IT-96-21-A, Appeals Judgement, 20 Feb. 2001, ¶¶ 163-167 (with respect to the serious violations of Common Article 3 of the Geneva Conventions representing customary international law).

[6] *Vasilijević*, TJ ¶ 196.

[7] *Vasilijević*, TJ ¶ 193.

[8] *Vasilijević*, TJ ¶ 193 *citing* The Geneva Conventions of 12 Aug. 1949, Common Art. 3(1)(a); The Geneva Conventions of 12 Aug. 1949, Additional Protocol II Art. 4(2)(a); and the Geneva Conventions of 12 Aug. 1949, Additional Protocol I, Art. 75(2)(a); Dusko Tadić, Case No. IT-94-1, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Appeal Chamber, 2 Oct. 1995, ¶ 134.

of the crime, in spite of the parties' submissions in the case and a previous definition provided by another ICTY trial chamber.[9]

The court noted that the *nullum crimen* principle is not a bar to *interpreting* and *clarifying* elements of crimes, nor does it preclude the *progressive development* of the law by the court. However, it stated that:

> [U]nder no circumstances may the court create new criminal offences after the act charged against an accused either by giving a definition to a crime which had none so far, thereby rendering it prosecutable and punishable, or by criminalising an act which had not until the present time been regarded as criminal.[10]

This principle has been upheld by the European Court of Human Rights (ECtHR). For example, in the case *S.W. v. United Kingdom*, the ECtHR held that the principle of legality should be "construed and applied […] in such a way as to provide effective safeguards against arbitrary prosecution, conviction and punishment".[11] To this end, the ECHR notes that criminal law cannot be construed by analogy, but must be clearly defined.[12]

Although this section has described the approach of international courts to the principle of *nullum crimen sine lege*, other jurisdictions may take a different approach. Countries differ in their approach to custom as a source of national criminal law. For example, some national jurisdictions do not accept non-written criminal law, including custom, but others do.[13] These issues are of particular importance in Bosnia and Herzegovina, Croatia and Serbia. The particular approaches of BiH, Croatia and Serbia are discussed further in Module 5.

3.2.2.2. TREATY LAW

As noted elsewhere, at times and depending on the specificities of each jurisdiction, treaties are used as a source for ICL. The principle of legality must also be evaluated in such cases.

The ICTY has held that the rule of *nullum crimen sine lege* is satisfied where, at the time of the crime:

(1) A State is already treaty-bound by a specific convention";[14] and
(2) The violation of the rule entails (under treaty or customary law) the individual criminal responsibility of the person breaching the rule.[15]

[9] *Vasilijević*, TJ ¶ 194 *citing* Tihomir Blaškić, Case No. IT-95-14-T, Trial Judgement, 3 March 2000, ¶ 182.
[10] *Vasilijević*, TJ ¶ 196; *see generally ibid.* at ¶¶ 193-204 (refusing to exercise jurisdiction over the said crime on the basis that it was not defined with sufficient precision in custom, which was the body of law which the ICTY had to apply).
[11] S.W. v. United Kingdom, 571 Eur. Ct. H.R. (335ser. B) ¶¶ 34-36, 41-42 (1995).
[12] *Ibid*. at ¶ 35.
[13] *See, e.g.,* CRYER, supra note 1, at 74.
[14] *Kordić*, AJ ¶ 44.

Some treaties, like the Genocide Convention and the Geneva Conventions[16] (particularly their grave breaches provisions), create international crimes and are directly binding on individuals.

Some treaties, like the Genocide Convention and the Geneva Conventions, create international crimes and are directly binding on individuals.

At the ICTR, the court has considered that because Rwanda had ratified relevant treaties, including the Additional Protocol to the Geneva Conventions (AP II), and the relevant ICTR crimes also constituted crimes under Rwandan law by 1994, there was no need to enquire into whether particular provisions of the ICTR Statute constituted customary international law imposing criminal liability by 1994.[17]

[15] *Tadić*, ¶ 94; *see also Vasilijević*, TJ ¶ 193.
[16] To which BiH, Croatia and Serbia are parties. *See* the table of treaties, in Annex B.
[17] *See, e.g.,* Clement Kayishema, Case No. ICTR 95-1-T, Trial Judgement, 21 May 1999, ¶¶ 156-8, 597-8; *but see, e.g.,* Jean-Paul Akayesu, Case No. ICTR-96-4-T, Trial Judgement, 2 Sept. 1998, ¶¶ 604-9, 616.

3.3. DOUBLE JEOPARDY

Another central tenet of international criminal law is the principle of double jeopardy or *ne bis in idem*. This prohibits a person for being tried twice for the same conduct, and stems from concerns of fairness to defendants and motivation for thorough investigations and prosecutions.[18] The statutes of the international courts and tribunals directly reflect this principle.[19]

Article 10 of the ICTY Statute

Non-bis-in-idem

(1) No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal.

(2) A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal only if:
   a. the act for which he or she was tried was characterized as an ordinary crime; or
   b. the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

(3) In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Before the ICTY, an accused may be convicted of more than one offence for the same underlying conduct providing that the elements of the offences are different.[20] In the *Tadić* case before the ICTY, the trial chamber dismissed an application by the defence which argued that the prosecution of the case violated the principle of double jeopardy because proceedings in Germany had already commenced on the same indictment. The trial chamber reasoned that the

[18] CRYER, supra note 1, at 80.

[19] *See, e.g.,* Statute of the International Tribunal for the Former Yugoslavia, Art. 10 (1993); Statute of the International Criminal Tribunal for Rwanda, Art. 9 (1994); Statute of the Special Court for Sierra Leone, Art. 9 (2000); and Rome Statute, Art. 20.

[20] *See, e.g.,* Zoran Kupreškić et al., Case No IT-95-16-T, Trial Judgement, 14 Jan. 2000.

accused had not been subject to a judgment in Germany on the merits of the indictment, and that therefore there was no violation of the principle of double jeopardy.[21]

Another central tenet of international criminal law is the principle of double jeopardy or ne bis in idem.

This principle only applies to the courts within the same legal system, and does not automatically apply across states. For example, a court in Country A cannot try a defendant for a crime already adjudicated by another court in Country A, but it might be able to try a defendant for the same crime adjudicated by a court in Country B. This arises in part from the principle of state sovereignty: the courts of one state cannot bind the courts of another state. Nevertheless, each state has its own views on how to treat foreign judgements, and the cross-border implications of the principle are unsettled and not recognised as a general principle of international law.

These issues are of particular importance in Bosnia and Herzegovina, Croatia and Serbia. The particular approaches of BiH, Croatia and Serbia are discussed further in Module 5.2.2 – 5.2.4.

At the international level, courts have taken various approaches that affect national prosecutions. For example, states cannot try persons for the same crimes adjudicated by the tribunals; the ICTY and ICTR have primacy over States. The Tribunals are not bound by the final judgements of national jurisdictions,[22] but can refer to national judgements depending on the quality of the national proceedings and the characterization of the crimes tried as "ordinary" as opposed to "serious" international crimes.[23]

The ICC has similar provisions, although it differs in that the ICC jurisdiction is complementary, not primary, with regard to national jurisdictions.[24] In particular, an individual can be tried for crimes outside the jurisdiction of the ICC, under national law, for the same conduct that formed the basis of a conviction by the ICC.[25] The ICC can also try an individual for conduct that was the subject of a national proceeding if that proceeding was unfair or a merely a sham trial to avoid ICC jurisdiction.

[21] Duško Tadić, Decision on the Defence Motion on the Principle of *Non bis in Idem*, Case No. IT-94-1-T, 14 Nov. 1995.
[22] *See, e.g.*, ICTY R. P. & EVID. Rule 12.
[23] Statute of the International Tribunal for the Former Yugoslavia, Art. 10; Statute of the International Criminal Tribunal for Rwanda, Art. 9.
[24] *See* CRYER, supra note 1, at 82 (discussing differences between the ICC and other tribunals' double jeopardy provisions); *see also* COMMENTARY ON THE ROME STATUTE OF THE CRIMINAL COURT 420 (Otto Triffterer ed., 1999).
[25] Triffterer, at 428.

Article 20 of the ICC Statute

Ne-bis-in-idem

(1) Except as provided in this Statute, no person shall be tried before the Court with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court.

(2) No person shall be tried by another court for a crime referred to in article 5 for which that person has already been convicted or acquitted by the Court.

(3) No person who has been tried by another court for conduct also proscribed under article 6, 7, 8 shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:

a. Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or

b. Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice.

A commentary on the ICC Statute states that Article 20 must be read together with Article 17 on complementarity,[26] which precludes the ICC from hearing a case if it is being investigated or prosecuted by a willing and able State. The trial chamber in the *Bemba* case addressed this issue. The defence for Bemba argued that the national investigation by the Central African Republic authorities into identical charges as before the ICC and subsequent dismissal order was a decision on the merits.[27] The trial chamber concluded that the decision by the local authorities was not a decision on the merits of the charges against *Bemba*.[28]

Protocol 7 to the European Convention on Human Rights also addresses double jeopardy. Article 4 provides that:

[26] Reynaud N. Daniels, "Non Bis in Idem and the International Criminal Court", Bepress Legal Series, Northwestern University, p. 25 (2006).

[27] Jean-Pierre Bemba Gombo, Decision on the Admissibility and Abuse of Process Challenges, ICC-01/05-01/08-802, 24 June 2010, ¶¶ 79-100.

[28] *Ibid.* at ¶¶ 211, 248. *See also* Germain Katanga et al., Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case, ICC-01/04-01/07-1497, 25 Sept. 2009, ¶¶ 99-100.

Article 4 of Protocol 7 to the European Convention on Human Rights
Right not to be tried or punished twice

(1) No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.

(2) The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.

(3) No derogation from this Article shall be made under Article 15 of the Convention.

In the case of *Sergey Zolotukhin v. Russia*, the European Court of Human Rights[29] held that the test for deciding if the two offences are the same must focus on a comparison of the facts of the cases irrespective of the legal characterisation under national law.[30]

[29] *Sergey Zolotukhin v. Russia* ([GC], no. 14939/03, ECHR 2009. See also, *Tsonto Tsonev v. Bulgaria,* no. 2376/03, ECtHR, 14 Jan. 2010, ¶¶ 47-57.
[30] *Sergey Zolotukhin v. Russia* ([GC], no. 14939/03, ECtHR 2009, ¶¶ 82-84.

3.4. FURTHER READING

3.4.1. BOOKS

- Cryer, R., Friman, H., Robinson, D., and Wilmshurst, E., AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE (2d ed.) (Cambridge University Press, 2010).
- Raimondo, F., GENERAL PRINCIPLES OF LAW IN THE DECISIONS OF INTERNATIONAL CRIMINAL COURTS AND TRIBUNALS (Martinus Nihjoff, 2008).
- Werle, G., PRINCIPLES OF INTERNATIONAL CRIMINAL LAW (T.M.C. Asser Press, 2005).

3.4.2. ARTICLES

- Bailin, A., *Double Jeopardy in* CROSS-BORDER CRIME: DEFENCE RIGHTS IN A NEW ERA OF INTERNATIONAL CRIMINAL JUSTICE (Justice, 2006).
- Bohlander, M., *Ne bis in idem in* INTERNATIONAL CRIMINAL LAW (vol. 3) (Martinus Nijhoff, 2008).
- Bassiouni, C., *Principle of Legality in International and Comparative Criminal Law in* INTERNATIONAL CRIMINAL LAW (vol. 1) (Martinus Nijhoff, 2008).
- Gallant, K. S., *Legality in the Modern International and Internationalized Criminal Courts and Tribunals in* THE PRINCIPLE OF LEGALITY IN INTERNATIONAL AND COMPARATIVE CRIMINAL LAW (Cambridge University Press, 2009).
- Munivrana, M., *The Principle of Legality in International Criminal Law in* RESPONSIBILITY FOR WAR CRIMES: CROATIAN PERSPECTIVE: SELECTED ISSUES (University of Zagreb, 2005).
- Murphy, C., *The Principle of Legality in Criminal Law under the European Convention on Human Rights*, EUROPEAN HUMAN RIGHTS LAW REVIEW 2 (2010).
- Olásolo, H., *A Note on the Evolution of the Principle of Legality in International Criminal Law*, 18 CRIMINAL LAW FORUM 3-4 (2007).
- Spiga, V., *Non-Retroactivity of Criminal Law: a New Chapter in the Hissène Habré Saga*, 9 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 1 (2011).
- Van Bockel, W., *The 'Ne bis in idem' principle* in EU LAW (Kluwer Law International, 2010).
- Werle, G., *General Principles of International Criminal Law in* THE OXFORD COMPANION TO INTERNATIONAL CRIMINAL JUSTICE (Oxford University Press, 2009).

3.4.3. TREATIES

- *European Convention on Human Rights*, Rome 4 November 1950*, entered into force 3 September 1953. Available at:* http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/
- *International Covenant on Civil and Political Rights,* 16 December 1966, *entered into force 23 March 1976*. Available at: http://www2.ohchr.org/english/law/ccpr.htm
- *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity*, G.A. res. 2391 (XXIII), annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218 (1968), ENTERED INTO FORCE Nov. 11, 1970. *Available at:* http://www2.ohchr.org/english/law/warcrimes.htm.
- *European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes*, Strasbourg, 25 Jan. 1974, *entered into force* June 27, 2003. *Available at:*

http://conventions.coe.int/treaty/Commun/QueVoulezVous.asp?NT=082&CM=1&CL=ENG.