

European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes

25 January 1974

The member States of the Council of Europe, signatory hereto,

Considering the necessity to safeguard human dignity in time of war and in time of peace;

Considering that crimes against humanity and the most serious violations of the laws and customs of war constitute a serious infraction of human dignity;

Concerned in consequence to ensure that the punishment of those crimes is not prevented by statutory limitations whether in relation to prosecution or to the enforcement of the punishment;

Considering the essential interest in promoting a common criminal policy in this field, the aim of the Council of Europe being to achieve a greater unity between its Members,

Have agreed as follows:

Article 1

Each Contracting State undertakes to adopt any necessary measures to secure that statutory limitation shall not apply to the prosecution of the following offences, or to the enforcement of the sentences imposed for such offences, in so far as they are punishable under its domestic law:

1. the crimes against humanity specified in the Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 by the General Assembly of the United Nations;
2. (a) the violations specified in Article 50 of the 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 51 of the 1949 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Article 130 of the 1949 Geneva Convention relative to the Treatment of Prisoners of War and Article 147 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, (b) any comparable violations of the laws of war having effect at the time when this Convention enters into force and of customs of war existing at that time, which are not already provided for in the above-mentioned provisions of the Geneva Conventions, when the specific violation under consideration is of a particularly grave character by reason either of its factual and intentional elements or of the extent of its foreseeable consequences; 3. any other violation of a rule or custom of international law which may hereafter be established and which the Contracting State concerned considers according to a declaration under

Article 6 as being of a comparable nature to those referred to in paragraph I or 2 of this article.

Article 2

1. The present Convention applies to offences committed after its entry into force in respect of the Contracting State concerned.
2. It applies also to offences committed before such entry into force in those cases where the statutory limitation period had not expired at that time.

Article 3

1. This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
2. The Convention shall enter into force three months after the date of deposit of the third instrument of ratification or acceptance.
3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

Article 4

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto, provided that the resolution containing such invitation receives the unanimous agreement of the Members of the Council who have ratified the convention.
2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 5

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Convention shall apply.
2. Any State may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 7 of this Convention.

Article 6

1. Any Contracting State may, at any time, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any violations provided for in Article 1, paragraph 3, of this Convention.

2. Any declaration made in pursuance of the preceding paragraph may be withdrawn according to the procedure laid down in Article 7 of this Convention.

Article 7

1. This Convention shall remain in force indefinitely.

2. Any Contracting State may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

3. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 8

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention of:

- (a) any signature;
- (b) any deposit of an instrument of ratification, acceptance or accession;
- (c) any date of entry into force of this Convention in accordance with Article 3 thereof;
- (d) any declaration received in pursuance of the provisions of Article 5 or Article 6;
- (e) any notification received in pursuance of the provisions of Article 7 and the date on which the denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 25th day of January 1974, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.