

CRIMES AGAINST HUMANITY

III. CONCLUDING OBSERVATIONS

CERD

- Germany, CERD, A/52/18 (1997) 25 at para. 159.

Genocide has rightly been condemned as a crime against humanity. All genocidal acts should be condemned without any distinction as to time, place or group of victims; it is hoped that schemes for compensation of the victims of genocide and for prevention of any future discrimination will cover all groups that have been or may become victims.

- Belgium, CERD, A/52/18 (1997) 31 at paras. 217 and 226.

Paragraph 217

The entry into force of the Act prohibiting the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War, is noted. Concern is expressed that the scope of that Act, which does not refer to all types of genocide, is too restricted.

Paragraph 226

Adjustments should be made to the Constitution and the laws to permit more effective criminal prosecution of racist, negatory or discriminatory writings. The Act which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War should be broadened to cover the different types of genocide.

- France, CERD, A/55/18 (2000) 26 at para. 94.

The Committee considers that the prohibition of attempts to justify crimes against humanity, and of their denial should not be limited to those committed during the Second World War.

ICCPR

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at para. 76(5).

It is regarded as a positive sign that, under Act No. 26,926 of 21 February 1998, torture has been characterized as an offence in the chapter of the Penal Code on crimes against humanity.

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- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(12).

The absence of a State policy intended to combat impunity has prevented the identification, trial and punishment of those responsible for violations of article 6 and the payment of compensation to the victims. It is of concern that delays in and the shortcomings of legal procedure and the failure of the authorities to comply with the decisions and orders of the courts have strengthened the perceptions by the public that justice is not being done. The State party should strictly apply the National Reconciliation Act, which explicitly excludes crimes against humanity from amnesty, set up an appropriate independent body to investigate disappearances and provide adequate compensation for the victims of human rights violations.

CAT

- Cuba, CAT, A/53/44 (1998) 12 at para. 105.

Cuba acknowledges the universal jurisdiction for the trial of crimes against humanity, to which category, many would argue, torture belongs.