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PREPARATORY COMMITTEE ON THE
ESTABLISHMENT OF AN
INTERNATIONAL CRIMINAL COURT
11-21 February 1997
Working Group on General Principles
of Criminal Law and Penalties

CHAIRMAN'S TEXT

Article B a.¹

Individual criminal responsibility

a. Personal jurisdiction

1. The Court shall have jurisdiction over natural persons pursuant to the present Statute.
2. A person who commits a crime under this Statute is individually responsible and liable for punishment.
- [3. Criminal responsibility is individual and cannot go beyond the person and the person's possessions.]²
4. The fact that the present Statute provides criminal responsibility for individuals does not affect the responsibility of States under international law.

¹ The letter designation of this article corresponds to that found in part 3 bis (General principles of criminal law) of vol. II of the report of the Preparatory Committee (Official Records of the . . . Fifty-first Session, Supplement No. 22 (A/51/22), vol. II.

² This proposal deals mainly with the limits of civil liability and should be further discussed in connection with penalties, forfeiture and compensation to victims of crimes.



[5. The Court shall also have jurisdiction over juridical persons, with the exception of States, when the crimes committed were committed on behalf of such juridical persons or by their agencies or representatives.

6. The criminal responsibility of juridical persons shall not exclude the criminal responsibility of natural persons who are perpetrators or accomplices in the same crimes.]³

³ There is a deep divergence of views as to the advisability of including criminal responsibility of juridical persons in the Statute. Many delegations are strongly opposed, whereas some strongly favour its inclusion. Others have an open mind. Some delegations hold the view that providing for only the civil or administrative responsibility/liability of juridical persons could provide a middle ground. This avenue, however, has not been thoroughly discussed. Some delegations, who favour the inclusion of juridical persons, hold the view that this expression should be extended to organizations lacking legal status. Some prefer the term "legal entities".