CONTENTS

GENERAL OUTLINE OF THE PROPOSALS AND RESOLUTIONS ADOPTED BY THE CONGRESSES OF THE INTERNATIONAL ASSOCIATION OF PENAL LAW .......................................................... 10

FIRST INTERNATIONAL CONGRESS OF PENAL LAW (BRUSSELS, 26-29 JULY 1926) .......... 12

I. - Security measures. Should they replace the penalty or be complementary to it? ................. 12
II. - Work “in aperto”. Should work «in aperto» be recommended for the prisoners; if the answer is in the affirmative, how should it be organized? .......................................................... 12
III. - International criminal court. Is there need for instituting an international criminal jurisdiction? If the answer is in the affirmative, how should it be organized? .................................................. 13

Vote in favor of the unification of penal Law 14

SECOND INTERNATIONAL CONGRESS OF PENAL LAW (BUCHAREST, 6-12 OCTOBER 1929) ... 15

I. - Responsibility of societies. ................................................................................................... 15
II. Internal Penal Law. 15
II. International Penal Law. 15
II. - The application by the judge of one state of foreign penal laws. ........................................ 16
Supplementary proposal. 17
III. - A single judge or a collegiate of the tribunal. ................................................................... 17
Supplementary resolution (Conti). 17
IV. - Penal pursuit by the Associations. ..................................................................................... 18

THIRD INTERNATIONAL CONGRESS OF PENAL LAW (PALERMO, 3-8 APRIL 1933) ........... 19

I. - For what offences is it proper to admit universal competency? ........................................... 19
II. - The jury of honor and the crime of slander ........................................................................ 20
III. - Is it desirable to have, beside the penal code and the code of penal procedure, a code of the execution? ........................................................................................................... 20
IV. - Should there be admitted in criminal matters the jury system or that of sheriffdom? ......... 21
V. - Is it proper to consider the accused as a witness at his own trial? ......................................... 21
VI. - In what way could a better specialization of the judge be secured? ................................. 21

FOURTH INTERNATIONAL CONGRESS OF PENAL LAW (PARIS, 26-31 JULY 1937) ............ 23

I. - In what way can penal law of each country contribute to the protection of international peace? .......................................................................................................................... 23
II. - International exchange of information concerning the criminal record of the accused. ........ 24
III. Is it desirable that the judges should be able to retain and punish a deed which is not expressly within the scope of existing legal provisions? “Nullum delictum sine lege”. ....................... 24
IV. - What guarantees should be given to the accused in the course of preliminary inquiries? . 25
V. - What should be the part of the justice in the execution of penalties and of measures of security?....................................................................................................................... 25

FIFTH INTERNATIONAL CONGRESS OF PENAL LAW (GENEVA, 28-31 JULY 1947) .................. 27
I. How can a state, by its national law, contribute to the peace of another state?.................... 27
II. Principle of opportunity and principle of legality in matter of penal proceedings........... 27

SIXTH INTERNATIONAL CONGRESS OF PENAL LAW (ROME, 27 SEPTEMBER – 3 OCTOBER 1953)........................................................................................................................................ 28
I Section: Criminal protection of international conventions on humanitarian law ............... 29
II Section: Protection of personal freedoms during criminal proceedings .......................... 30
III Section: Social economic penal law ................................................................................ 32
IV Section: Problem of unification of criminal punishment and criminal measures ............ 34

SEVENTH INTERNATIONAL CONGRESS OF PENAL LAW (ATHENS, 26 SEPTEMBER - 2 OCTOBER 1957) .................................................................................................................................... 36
I. Section: The modern orientation of the notions of committing the crime and participation (complicity) .................................................................................................................. 36
II. Section: The control of judicial appreciation in the determination of punishments .......... 38
III Section: The legal, administrative and social consequences of condemning .................. 38
IV Section: The offences committed onboard of aeronautical vehicles and their consequences ................................................................................................................................... 40

EIGHTH INTERNATIONAL CONGRESS OF PENAL LAW (LISBON, 21 – 27 SEPTEMBER 1961) ......42
I Section: The problems posed by modern penal law via the development of non-intentional offences...................................................................................................................................... 42
II Section: Methods and technical processes employed in penal sentencing ..................... 43
III Section: The problems posed by the publicity of criminal files and proceedings ............ 45
IV Section: The application of foreign penal law by the national judge ............................ 47
Resolution I. 47
I. – The domain of the application of foreign penal law .................................................. 48
II. – Modalities of the application of foreign penal law .................................................. 48
III. - Solution for the practical difficulties deriving from the application of foreign penal law 48

IXTH INTERNATIONAL CONGRESS OF PENAL LAW (THE HAGUE, 23 – 30 AUGUST 1964)....... 50
Section I: Aggravating circumstances, other than concurrent offences and recidivism. ........ 50
Section II: Offences against the family and sexual morality.............................................. 51
Resolution I. 51
Resolution II. 51
Resolution III. 51
Resolution IV. 51
Resolution V. 52
Resolution VI. 52
Resolution VII. 52

Section III: The role of the prosecuting organs in criminal proceedings 52
Section IV: International effects of penal judgments 53

I. General observations. 53
II. Preconditions for recognition. 54
III. The various effects. 54
   A. Negative effects. 54
   B. Positive effects. 55
   IV. Recognition procedure. 57
   V. Final observation. 57

Xth INTERNATIONAL CONGRESS OF PENAL LAW (Rome, 29 September - 5 October 1969) 57

I. Section: Endangering offences 58
II. Section: The division of the penal process into two stages 59
   Preamble 59
   Resolutions 59
III. Section: The role of the judge in the determination and application of punishment 60
IV. Section: Actual problems of extradition 61
   Complementary resolutions. 64

XIth INTERNATIONAL CONGRESS OF PENAL LAW (Budapest, 9 - 14 September 1974) 66

Section I: Evolution of methods and means employed in penal law 66
Section II: Drug abuse and its prevention 68
   Preamble 68
   I. Nature and Trends of drug abuse 68
   II. Legislation aimed at controlling drug abuse 69
   III. Law Enforcement 69
   IV. Treatment and rehabilitation of drug offenders 70
   V. International drug control 71
   VI. Recommendation on the preparation of the Congresses of the A.I.D.P. 71
Section III. Compensation of the victims of criminal acts 72
   A) Compensation of the victim from public funds 72
   B) Compensating the victim within the criminal proceedings (action civile, “adhaesions-prozess”) 73
   C) Promoting victim compensation through other means 74
Section IV. The suppression of unlawful seizure of aircrafts 74
XIIth INTERNATIONAL CONGRESS OF PENAL LAW (HAMBURG, 16 – 22 SEPTEMBER 1979)...... 76

Section I. Crimes of carelessness. Prevention and treatment of offenders. .............................. 76
Section II - The protection of the environment through penal law........................................ 77
Preamble. 77
Recommendations at the national level 78
Recommendations at the international level 79
General conclusions 79
Section III- The protection of human rights in criminal proceedings. ................................. 80
Preamble 80
1. The presumption of innocence. 80
2. Procedural rights (so-called « equality of arms »). 80
3. Speedy trial. 81
4. Evidentiary questions. 81
5. The right to remain silent. 81
6. Assistance of counsel. 82
7. Arrest and pre-trial detention. 82
8. Rights and interests of the victim. 83
9. International protection. 83
Special resolution 83
Section IV - Immunity, extraterritoriality and the right of asylum in international penal law............. 84
I. Immunity. 84
II. Extraterritoriality. 85
III. Right of asylum. 86

XIIIth INTERNATIONAL CONGRESS OF PENAL LAW (CAIRO, 1 – 7 OCTOBER 1984)............... 87

Section I: Crimes of omission(*)................................................................. 87
Certain tendencies of contemporary penal law 87
Terminology 88
Legally described crimes of omission (also called genuine crimes of omission) 88
Non-legally described omissive offences (also called crimes of commission by omission) 88
Culpability and dolus 89
Participation 89
Responsibility for omission within groups 90
Section II. Concept and principles of economic and business criminal law, including consumer protection ................................................................................. 90
Preamble 90
Terminology 90
Protected interests 90
Technique of penal law 91
Culpability and criminal liability 91
Administrative and civil remedies 91
Protection of victims 92
International law and procedure

Section III. Diversion and mediation

Preamble

Purposes of diversion

Justification of diversion

Cases appropriate for diversion

Procedures for diversion

Mediation and related forms of dispute resolution

Implementation

Section IV. Structures and methods of international and regional cooperation in penal matters

Preamble

Substantive Law

Jurisdiction

Procedural Law

Conclusions

XIVTH INTERNATIONAL CONGRESS OF PENAL LAW (VIENNA, 2 – 7 OCTOBER 1989)

Section I. The legal and practical problems posed by the difference between criminal law and administrative penal law

Introduction

1. Limitations

2. Principles of substantive law

3. Principles of procedure

4. Access to Information and Legal and Empirical Research

Section II. Criminal law and modern bio-medical techniques

1. General considerations

2. Medical progress requires medical research

3. Organ transplants and artificial organs

4. Artificial human reproduction

5. Research with and on living embryos

6. Interference with human genotype (genome analysis, gene therapy)

Section III. The relations between the organization of the judiciary and criminal procedure

1. The infrastructure of criminal justice

2. The authorities and their function

3. Differentiations and specialization in criminal procedure

Section IV. International crimes and domestic criminal law

Part I: Efforts to recognize and to codify international crimes

Part II: Legal problems emerging from the implementation of international crime in domestic law
XVTH INTERNATIONAL CONGRESS OF PENAL LAW (RIO DE JANEIRO, 4 – 10 SEPTEMBER 1994) 119

Section I. Crimes against the environment. Application of the general part ................................. 119

Preamble 119
Recommendations 120
I. General principles 120
II. Specific issues in relation to crimes against the environment 121
III. Criminal liability of entities 121
Private entities 122
Public entities 122
IV. Crimes against the environment 123
V. Jurisdiction 123
Trans-border crimes 123
Extra-territorial crimes 123
Extradition 123
International Criminal Court 123
Implementation of international conventions 124

Section II. Computer crimes and other crimes against information technology ......................... 124

Preamble 124
Recommendations 124
I. Non penal preventive measures 124
II. Substantive criminal law 125
III. Specific issues of privacy protection 128
IV. Procedural law 129
V. International co-operation 130
VI. Future work 130

Section III. Reform movements in criminal procedure and the protection of human rights .......... 131

Preamble 131
Recommendations 132
I. The initial stages of the criminal process and the application of guarantees 132
II. The presumption of innocence and its consequences 132
III. The intervention of the judge 133
IV. Evidence 133
V. Defense 133
VI. Principles of prosecution 134
VII. Rights of the victim 134
VIII. Future reforms 135

Section IV. The regionalization of international criminal law and the protection of human rights in international cooperative procedures in criminal matters .............................................. 135

Preamble 135
Recommendations 135
I. The regionalization of International Criminal Law 135
II. The protection of human rights in international cooperation in criminal matters 137
Resolution on the International Criminal Court ......................................................... 138

XVIth INTERNATIONAL CONGRESS OF PENAL LAW (BUDAPEST, 5-11 SEPTEMBER 1999) ....143

Introduction to the Resolutions adopted by the XVIth International Congress of Penal Law ..... 140
Section I .......................................................................................................................... 144
Section II ......................................................................................................................... 146
  1. General 146
  2. Scope 146
  3. Legitimacy of Specific Criminalization 146
  4. Autonomous Crime: Membership in a Criminal Association 147
  5. Criminal Association as an Aggravating Circumstance 147
  6. Guarantees 147
  7. Emergencies 148
  8. International Cooperation 148
  9. Money Laundering 148
Section III ....................................................................................................................... 148
Section IV ......................................................................................................................... 148
 A. Defining new crimes and developing existing crimes in international co-operation conventions 150
 B. New rules on extraterritorial jurisdiction 151
 C. New rules on police co-operation 152
 D. New rules on judicial co-operation 153
 E. New rules concerning the legal position of individuals in international criminal proceedings 154
 F. Recommendation 155

XVIIth INTERNATIONAL CONGRESS OF PENAL LAW (BEIJING, 12 - 19 SEPTEMBER 2004) ....160

Section I. Criminal Responsibility of Minors in National and International Legal Order.......... 156
 I. Justification of the Principle of Criminal Liability and the Different Categories of Age 157
 II. Judicial Establishment of Criminal Liability of Minors 157
 III. Sanctions and Other Applicable Measures 157
 IV. International Aspects 158

Section II. Corruption and Related Offences in International Business Relations.................. 159
 I. The Relevance of Corruption and Related Offences 159
 II. The Necessity for a Multilateral Approach 159
 III. Measures for the Prevention of Corruption and Related Offences 160
 IV. Criminal Laws Against Corruption and Related Offences 161
  1. Corruption and Bribery of Public Officials 161
  2. Corruption and Bribery in the Private Sector 161
  3. Trading in Influence 162
  4. Sanctions 162
  5. Related Offences 162
  6. International Aspects 163
 V. Investigation, Prosecution, and Adjudication 163
VI. International Cooperation 164
Section III. The Application of Principles of Criminal Procedure in Disciplinary Proceedings .... 165
Section IV. Concurrent National and International Criminal Jurisdiction and the Principle ‘Ne bis in idem’ ........................................................................................................................................ 167
I. General Principles - Requirements at the domestic level 167
II. Horizontal transnational “ne bis in idem” 168
III. Vertical national-supranational concurrence 171
IV. Horizontal inter(supra)national concurrence 171