



Statement Urging Sixth Committee Action on The International Law Commission's Draft Articles on Prevention and Punishment of Crimes Against Humanity

Whereas over the course of human history, millions of people, particularly women and children, have been subjected to murder, extermination, enslavement, deportation, persecution, and other atrocities that have shocked the conscience of humanity,

Whereas it was established in 1946 by the International Military Tribunal at Nuremberg that these “crimes against humanity” are crimes under international law for which the perpetrators should be prosecuted and punished,

Whereas in 2013, the United Nations International Law Commission approved the topic “crimes against humanity” for inclusion in its programme of work, and subsequently, over the next six years, proceeded to study the topic and prepare draft articles for inclusion in a possible new treaty to be negotiated and adopted by States,

Whereas in 2019, the International Law Commission adopted upon Second Reading, following input from States during the course of its work, a draft preamble, draft articles, a draft annex and commentaries thereto on the Prevention and Punishment of Crimes against Humanity, and recommended in paragraph 42 of its Report the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Whereas in 2019, although the government of Austria offered to host an international conference of plenipotentiaries for the elaboration of such a convention, progress on the ILC draft articles has not advanced in the Sixth Committee,

Whereas crimes against humanity are among the most serious crimes in international law, along with genocide and war crimes and the absence of a treaty regulating their prevention and punishment is incongruous with crimes of comparable gravity, fueling the misconception that there is a hierarchy of importance,

Whereas a treaty on crimes against humanity would close a crucial gap in the current international framework on mass atrocities.

Whereas the absence of a treaty on crimes against humanity has a real-world consequence for the victims of atrocity crimes,

Whereas although the ILC draft articles represent an adequate baseline for negotiations, there remain a range of views on certain substantive points. The perspectives must not perpetuate an inert cycle, but rather be given the opportunity to be discussed in an inclusive, transparent, and holistic process,

Now therefore, the undersigned, urge the following in order to make real and substantive progress on the work of the International Law Commission draft articles:

1. The Sixth Committee should establish a procedure at the 76th Session of the UN General Assembly for the consideration of the draft articles with a view towards realizing the recommendation of the International Law Commission that the draft articles on the Prevention and Punishment of Crimes against Humanity be elaborated into a treaty.
2. The process must have a clear mandate, defined meetings, specific terms of reference, and a timeline for completion of its work.

The Sixth Committee debate on the draft articles was marked by overwhelming support for the core aspects of the draft articles.

We urge States to translate this momentum into action.

Signed the 9th of November, 2021:

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