

## 68<sup>th</sup> Session of the UNGA Sixth Committee 2013

68 <sup>th</sup> SESSION OF THE UNGA (2013)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
<b>Austria</b>	Head of the Department of International Law Ministry for European and International Affairs, Gregor Schusterschitz	Mon Oct. 28th, 2013, 11:46-11:55AM	"Austria welcomes the inclusion of the topic „Crimes against humanity” in the long-term working plan of the Commission. ... The result of the work of the ILC on this topic should contribute to close the cooperation gaps which have been identified."	<b>Positive</b>	<a href="https://papersmart.unmeetings.org/media2/703455/austria-part-1.pdf">https://papersmart.unmeetings.org/media2/703455/austria-part-1.pdf</a>
<b>Chile</b>	Director of Legal Affairs in the Ministry of Foreign Affairs, Hernán Salinas Burgos	Fri Nov. 1st, 2013, 12:34-12:46 PM	"In this respect, we agree with the Working Group, in the sense that States are sovereign in the celebration and determination of the content of a Treaty on the duty to extradite or prosecute, at present, conventional regime that regulates the aforementioned obligation, presents important gaps that may be necessary to observe in order to remedy them. In this regard, it is worth mentioning the lack of reference of this rule in the Convention, in relation to crimes against humanity or war crimes. Also, in the same order of ideas, would be suitable improve the formula of the conventions on genocide, in the sense of optimize the cooperation international that dota to these instruments international of effectiveness."	<b>Positive</b>	<a href="https://papersmart.unmeetings.org/media2/1141875/chile.pdf">https://papersmart.unmeetings.org/media2/1141875/chile.pdf</a>
<b>China</b>	Director-General of the Department of Treaty and Law of the Ministry of Foreign Affairs, Huang Huikang	Wed Oct. 30th, 2013, 11:33-11:41AM	"As to the topic "Crimes against humanity" newly added in the long-term program of work, the Chinese delegation holds the view that, taking into consideration the complexity and sensitivity of this topic, the Commission should deal with it in a prudent manner and avoid any pre-determined results before wide consensus is reached by states."	<b>Neutral</b>	<a href="https://papersmart.unmeetings.org/media2/703724/china-e-rev.pdf">https://papersmart.unmeetings.org/media2/703724/china-e-rev.pdf</a>
<b>Cuba (on behalf of CELAC)</b>	Tanieris Dieguez LAO	Mon Oct. 28th, 2013, 10:50-11:04AM	"In the same constructive spirit, we take note that the subject "Crimes against humanity" has been included in the long-term program of the Commission."	<b>Neutral</b>	<a href="https://papersmart.unmeetings.org/media2/703486/cuab-celac-.pdf">https://papersmart.unmeetings.org/media2/703486/cuab-celac-.pdf</a>
<b>Czech Republic</b>	Director of International Law Department, Ministry of Foreign Affairs, Petr Válek	Tues Oct. 29th, 2013, 12:20-12:27PM	"As far as the long-term programme of work is concerned, the Czech Republic welcomes the inclusion of the topic „Crimes against humanity“ and recommends that the Commission proceeds with the topic during its sixty-sixth session. My delegation supports Prof. Sean D. Murphy’s view on the proposed key elements and outcome of this topic."	<b>Positive</b>	<a href="https://papersmart.unmeetings.org/media2/703565/czech.pdf">https://papersmart.unmeetings.org/media2/703565/czech.pdf</a>
<b>France</b>	Director of Legal Affairs Ministry of Foreign Affairs, Edwige Belliard	Mon Oct. 28th, 2013, 12:27-12:44PM	"We query the inclusion of "Crimes against humanity" in the long-term programme of work. It is not clear that all the Commission's criteria on the choice of subjects are met. In this regard, France wonders whether the States really need to draw up a convention on the subject. At this point it seems preferable to encourage universalisation of the Rome Statute and the effectiveness of existing norms, which might well not favour the drafting of new sectoral norms. Furthermore, the call on a universal jurisdiction to try the perpetrators of crimes against humanity is far from being shared by a majority of States and merits further consideration. Lastly, the question could well arise of the compatibility of the obligations that would derive from any such convention with those imposed by existing conventions, which is why the urgency of work on the subject may be queried."	<b>Strong Negative</b>	<a href="https://papersmart.unmeetings.org/media2/703468/france-e.pdf">https://papersmart.unmeetings.org/media2/703468/france-e.pdf</a>
<b>India</b>	Head of the Legal and Treaties Division of the Ministry of External Affairs, Neeru Chadha	Tues Oct. 29th, 2013, 10:34-10:40AM	"We also note the Commission's decision to include the topic "Crimes against humanity" in its long-term programme of work. We note with interest the written proposal made on the topic by the Commission Member, Mr. Sean D. Murphy. As a preliminary comment, we would like to stress for the need of in• depth study and thorough discussion on the need to undertake work on this topic, in view of the existing international instruments including the International Criminal Court that have already dealt with crimes against humanity."	<b>Neutral</b>	<a href="https://papersmart.unmeetings.org/media2/703643/india.pdf">https://papersmart.unmeetings.org/media2/703643/india.pdf</a>
<b>Iran</b>	Legal Adviser, Ministry of Foreign Affairs, Djamchid Momtaz	Tues Nov. 5th, 2013, 3:12-3:27PM	"... Therefore, it does not seem that in terms of the definition of the crime and its criminalization at the international and national levels, there is a legal loophole to be filled through the adoption of a new international instrument. ... Therefore, we are of the opinion that the inclusion of this topic in the long-term programme of the International Law Commission does not respond to the criterion that this body has set for the selection of topics in 1998."	<b>Strong Negative</b>	<a href="https://papersmart.unmeetings.org/media2/1156427/iran.pdf">https://papersmart.unmeetings.org/media2/1156427/iran.pdf</a>

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Italy	Minister Plenipotentiary Andrea Tiriticco, Director for Legal Affairs, Ministry of Foreign Affairs	Wed Oct. 30th, 2013, 10:04-10:25AM	"Moreover, with regard to the inclusion of the topic "Crimes Against Humanity" in the long-term programme of work of the Commission, we look forward to the future discussions. In this respect, the paper prepared by Professor Sean Murphy and annexed to the report represents a solid basis for the future consideration of the topic and its various aspects."	Positive	<a href="https://papersmart.unmeetings.org/media2/703568/italy.pdf">https://papersmart.unmeetings.org/media2/703568/italy.pdf</a>
Japan	Representative of Japanese Government, Tomoyuki Hanami	Mon Oct. 28th, 2013, 12:02-12:11PM	"We should also note that, by the recommendation of the Working Group on the Long-term Programme of Work, the ILC included the topic of "Crimes against humanity" in the long-term programme of work. ... In this context, the delegation of Japan has a particular interest in this topic, and is looking forward to seeing the course of discussion in the Commission."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703457/japan-part-1.pdf">https://papersmart.unmeetings.org/media2/703457/japan-part-1.pdf</a>
Malaysia	Senior Federal Counsel Attorney General's Chambers Malaysia, Sarah Khalilah Abdul Rahman	Wed Oct. 30th, 2013, 10:59-11:12AM	"With regard to the inclusion of the topic of "Crimes Against Humanity" in the long term programme of work of the Commission, Malaysia notes from the paper prepared by Mr. Sean D. Murphy that the prospect of the work on this topic is the elaboration of a set of draft Articles on "Crimes Against Humanity". At this juncture, Malaysia would like to seek clarification on the urgency to conclude a Convention on the matter particularly as the Rome Statute of the International Criminal Court, which is already subscribed by 122 countries, also addresses crimes against humanity. Malaysia is of the view that the study should not undermine the intended universality of the Rome Statute. In addition, any further work on this should not overlap with existing regimes, but rather to complement it."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703723/malaysia-rev.pdf">https://papersmart.unmeetings.org/media2/703723/malaysia-rev.pdf</a>
Mongolia	Ambassador, Permanent Representative of Mongolia to the United Nations, Mr. Och Od	Wed Oct. 30th, 2013, 12:01-12:06PM	"... my delegation supports inclusion of the new topic "Crimes against humanity" to the Commission's long-term programme of work."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703743/mongolia.pdf">https://papersmart.unmeetings.org/media2/703743/mongolia.pdf</a>
Netherlands, The	Legal Adviser, Ministry of Foreign Affairs, Liesbeth Lijnzaad	Tues Oct. 29th, 2013, 10:42-10:54AM	"There is no doubt that the prevention and prosecution of this horrendous crime is of the utmost importance, and we do believe this is an issue that requires the constant vigilance of the international community. Thus we appreciate that the Commission has been looking into the desirability of formulating a specific instrument with respect to crimes against humanity. However, we consider that this issue needs to be addressed in the light of the Rome Statute, and the need to ensure its universality in the near future. ... We consider that it is not the definition of the crime that is missing, but the operational tools to ensure prosecution. ... Thus the missing link is an international instrument on mutual legal cooperation covering all the major international crimes, including crimes against humanity."	Negative	<a href="https://papersmart.unmeetings.org/media2/703600/netherlands.pdf">https://papersmart.unmeetings.org/media2/703600/netherlands.pdf</a>
Norway (on behalf of the Nordic Countries)	Director General, Legal Affairs Department, Rolf Einar Fife	Mon Oct. 28th, 2013, 11:04-11:22AM	"The ILC has decided to add the topic of Crimes against humanity to its long-term work program. The Nordic countries commend this decision, which we foresee as yet another important step towards the elimination of impunity for serious international crimes. ... While we express our support to ILC's consideration of the topic of crimes against humanity, there are at the same time certain parameters that need to be taken into account in the Commission's future work."	Positive	<a href="https://papersmart.unmeetings.org/media2/703463/norway-part-1.pdf">https://papersmart.unmeetings.org/media2/703463/norway-part-1.pdf</a>
Peru	Ambassador, Permanent Representative, Gustavo Meza-Cuadra	Tues Oct. 29th, 2013, 10:36-10:42AM	"We also emphasize the importance of including the topic "Crimes against humanity" in the long-term program of the Commission. We believe that its development will complement other work that the Commission has been carrying out on issues such as "The obligation to extradite or to judge (aut dedere aut judicare)" and "Immunity from foreign criminal jurisdiction of State officials"."	Positive	<a href="https://papersmart.unmeetings.org/media2/703569/peru.pdf">https://papersmart.unmeetings.org/media2/703569/peru.pdf</a>
Poland	Ambassador, Permanent Representative, Ryszard Sarkowicz	Wed Oct. 30th, 2013, 10:26AM	"As far as other issues are concerned by delegation would like to support shifting focus on the topic "The obligation to extradite or prosecute" (aut dedere aut judicare) towards areas which are still not covered by this obligation e.g. some of the most crimes against humanity, war crimes other than grave breaches and war crimes in non-international armed conflicts."	Positive	<a href="https://papersmart.unmeetings.org/media2/703766/poland-rev.pdf">https://papersmart.unmeetings.org/media2/703766/poland-rev.pdf</a>

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Romania	Director for International Law and Treaties, Ministry of Foreign Affairs, Alina Orosan	Tues Oct. 29th, 2013, 12:36-12:46PM	"Similarly, we appreciate the undertaking of the ILC to include in its programme of work the consideration of the issue of the crimes against humanity. However, more consideration is needed on the proposed outcome of this topic being included in the ILC's programme of work in view of other initiatives related to this matter."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703567/romania.pdf">https://papersmart.unmeetings.org/media2/703567/romania.pdf</a>
Russian Federation	Legal Department of the Ministry of Foreign Affairs, Maria Zabolotskaya	Wed Oct 30th, 2013, 11:15-11:33AM	"The Commission also decided to include the topic: "Crimes against humanity" to its long-term program of work. In this regard we would like to note that the customary international law gives sufficiently clear understanding of what is the crime against humanity. This understanding was reflected in the Statute and the Judgment of the Nuremberg Tribunal, then this understanding was confirmed by the General Assembly of the United Nations in its resolution 95 (I). Crime against humanity was also defined by the International Law Commission as one of the Principals of International Law Recognized by the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. Crime against humanity is also a crime under the international humanitarian law, which is mentioned in the Protocol I to the Geneva Conventions. There is also the Statute of the International Criminal Court, which also contain the relevant definition. In this regard we should ask ourselves questions what the goal of elaborating a new document on crime against humanity is and how this document would be related to the exiting norms of customary and treaty law."	Negative	<a href="https://papersmart.unmeetings.org/media2/703751/russia-e-rev.pdf">https://papersmart.unmeetings.org/media2/703751/russia-e-rev.pdf</a>
Slovenia	Director-General, Ministry of Foreign Affairs, Borut Mahnič	Thur Oct. 30, 2013, 12:00-12:17PM	"... We also note with interest the inclusion of the topic "Crimes against humanity" in its long-term programme of work. As noted in the contents of the topic included in Annex B to the Commission's report, crimes against humanity, unlike war crimes and genocide, are not covered by a treaty requiring States to prevent and punish such conduct and to cooperate in achieving this end. This legal gap in the international law has been recognised for some time and is particularly evident in the field of State cooperation, including mutual legal assistance and extradition. We believe all efforts should be directed at filling this gap. Consequently, Slovenia has together with the Netherlands, Belgium and Argentina launched an initiative for the adoption of a new international instrument on mutual legal assistance and extradition for the effective investigation and prosecution of the most serious crimes of international concern by domestic jurisdictions. It seems to us that in view of the said initiative and the relationship between a potential Crimes against Humanity Convention and the ICC's Rome Statute the ILC decision requires further consideration."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703847/slovenia.pdf">https://papersmart.unmeetings.org/media2/703847/slovenia.pdf</a>
South Africa	Legal Adviser to the Permanent Mission of South Africa to the UN, Thembile Joyini	Wed Oct. 28th, 2013, 10:54-11:23AM	"... The rationale for the topic, as far as we could tell from the syllabus adopted, is that there is currently a gap in the existing legal framework. The proposal is therefore to prepare Draft Articles, which would later become a Convention on the Prevention and Punishment of Crimes Against Humanity in order to fill in the identified gaps. ... We invite the International Law Commission to re-consider whether this topic, in its current form would be a priority, bearing in mind that the gaps identified in the syllabus are not prevalent for all States, and in particular those States that are party to the Rome Statute. There may be other ways to address the issue of improving cooperation between States when it relates to serious crimes and we note that there are ongoing initiatives in this regard. We would therefore have some reservations in accepting that the topic in its current form should be placed onto the current agenda of the Commission."	Negative	<a href="https://papersmart.unmeetings.org/media2/703480/south-africa.pdf">https://papersmart.unmeetings.org/media2/703480/south-africa.pdf</a>

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Spain	Head of the International Law Division of the Ministry of Foreign Affairs and Cooperation of the Kingdom of Spain, Prof. José Martín and Pérez de Nanclares	Mon Oct. 28th, 2013, 12:53-1:06PM	"We also deem appropriate, in principle, to consider the inclusion of the issue of "Crimes against Humanity" in the long-term agenda. And for good reason since, contrary to the other two categories of international crimes (war crimes and genocide), this issue is not covered by an international treaty binding the States to preventing and punishing such crimes as well as to cooperate towards this end. This issue, as Mr Sean D. Murphy has rightly suggested, would prima facie meet the selection criteria established by the Committee itself: it reflects Member States eventual needs towards the progressive development and codification of International Law; its practice currently is in a phase sufficiently advanced; and, it is a specific and, at least in appearance, feasible topic. This will neither be an easy task. And, should it be undertaken, it will require a careful analysis both of the specific limitation aspects to be included in the relevant Convention and, particularly, its precise relationship with the Rome Statute and the role of the International Criminal Court without overstepping their provisions. Therefore, we are not sure the Committee would be able to adopt at first reading a comprehensive project of articles before the end of the current five-year period."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703785/spain-e.pdf">https://papersmart.unmeetings.org/media2/703785/spain-e.pdf</a>
Thailand	Ambassador and Permanent Representative, Norachit Sinhaseni	Tues Nov. 5th, 2013, 12:20-12:27PM	The Thai delegation takes note that there are existing gaps in the present conventional regime governing the obligation to extradite or prosecute which need to be closed, especially in relation to most crimes against humanity and war crimes which do not fall in the ambit of grave breaches of the four Geneva Conventions of 1949 and the Additional Protocol I of 1977."	Positive	<a href="https://papersmart.unmeetings.org/media2/1156416/thailanf-final.pdf">https://papersmart.unmeetings.org/media2/1156416/thailanf-final.pdf</a>
United Kingdom of Great Britain and Northern Ireland	First Secretary, Legal Affairs, Jesse Clarke	Tues Oct. 29th, 2013, 10:22-10:33AM	"On the decision of the Commission to include the topic Crimes against Humanity in its long-term programme of work, the UK has considered the proposal set out in Annex B of the Commission's report, to develop draft Articles for a Crimes against Humanity Convention. ... We note the analysis of the relationship between a Crimes against Humanity Convention and the Statute of the International Criminal Court contained in the proposal, and stress that any new conventions in this area must be consistent with and complementary to the ICC Statute."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703573/uk-rev.pdf">https://papersmart.unmeetings.org/media2/703573/uk-rev.pdf</a>
United States of America	Acting Legal Adviser, Mary McLeod	Mon Oct. 28th, 2013, 11:22-11:33AM	"... the United States welcomes the Commission's addition of the topic "crimes against humanity" to its long-term work program. ... Because crimes against humanity have been perpetrated in various places around the world, the United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable."	Positive	<a href="https://papersmart.unmeetings.org/media2/703467/us.pdf">https://papersmart.unmeetings.org/media2/703467/us.pdf</a>

68th Session Summary Table	
<b>TOTAL GOVERNMENT REACTIONS</b>	<b>24</b>
Total STRONG POSITIVE	<b>0</b>
Total POSITIVE	<b>9</b>
Total NEUTRAL	<b>10</b>
Total NEGATIVE	<b>3</b>
Total STRONG NEGATIVE	<b>2</b>

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<b>Australia</b>	General Counsel, Office of International Law, Attorney-General's Department, Mr. Bill Campbell	Fri. Oct. 31st, 2014, 11:07-11:11AM	"... Australia notes the decision of the Commission to include the topic of 'Crimes Against Humanity' in its programme of work and its appointment of Mr. Sean Murphy as Special Rapporteur. Australia assumes that in its examination of this important topic the Commission will give consideration to a broader application of the obligation to extradite or prosecute to crimes against humanity."	<b>Neutral</b>	<a href="http://statements.unmeetings.org/media2/4654832/australia-en.pdf">http://statements.unmeetings.org/media2/4654832/australia-en.pdf</a>
<b>Austria</b>	Professor of International Law, University of Vienna, Mr. August Reinisch	Mon. Oct. 27, 2014, 11:54AM-12:07PM	"Already in last year's statement, Austria expressed its support for the inclusion of the topic "Crimes against humanity" in the agenda of the Commission. In Austria's view the Commission and Special Rapporteur Sean Murphy should put emphasis on the need of cooperation and adequate domestic legislation rather than on the elaboration of new definitions of such crimes. New definitions that differ from the already existing ones like those contained in the Rome Statute of the International Criminal Court (ICC) could only create problems for the pursuit of the goal of combating impunity. The Commission should also take into account the joint initiative of Argentina, Belgium, the Netherlands, Senegal and Slovenia on mutual legal assistance regarding atrocity crimes."	<b>Positive</b>	<a href="http://statements.unmeetings.org/media2/4654242/austria-en-78.pdf">http://statements.unmeetings.org/media2/4654242/austria-en-78.pdf</a>
<b>Chile</b>	Legal Director of the Chilean Foreign Ministry, Mr. Claudio Troncoso R.	Tues. Oct. 28th, 2014, 11:31-11:43AM	"I should also like to note that the Commission's Planning Group decided to add two very important new topics to its work programme: "Crimes against humanity" and "Jus cogens". Our delegation welcomes these additions."	<b>Positive</b>	<a href="http://statements.unmeetings.org/media2/4654407/chile-en.pdf">http://statements.unmeetings.org/media2/4654407/chile-en.pdf</a>
<b>Chile</b>	Legal Director of the Chilean Foreign Ministry, Mr. Claudio Troncoso R.	Fri. Oct. 31st, 2014, 4:21-4:41PM	"... This is a topic to which this General Assembly and its subsidiary body, the International Law Commission, have previously made significant contributions. The concept of crimes against humanity is well defined in the Statute of the International Criminal Court. Several States, including Chile, have modified their domestic criminal legislation to adapt it to the 1998 Rome Statute. We therefore believe that the future work of the International Law Commission on this topic should not consist of redefining the concept of crimes against humanity but particularly of regulating the effects and consequences of categorizing behavior as a crime against humanity. In our opinion, the first consequence should be the obligation either to prosecute or to extradite the perpetrator of a crime against humanity. The Commission could also help to define the possible scope of universal jurisdiction in the case of crimes against humanity and the circumstances in which the State where the crime was committed should preferably try the case. All this would prevent these serious crimes of international importance from going unpunished. Obviously the Special Rapporteur, Mr. Sean Murphy, is facing a daunting task. We wish him every success and offer him our full cooperation."	<b>Positive</b>	<a href="http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf">http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf</a>
<b>Costa Rica (on behalf of CELAC)</b>	Georgina Guillen-Grillo, Minister-Counselor Permanent Mission of Costa Rica to the United Nations, Ms. Guillen-Grillo	Mon. Oct. 27, 2014, 11:03-11:15AM	"For all these specific issues [including crimes against humanity], CELAC takes special note of the deadline established by the Commission to Member States in order to furnish possible comments and observations."	<b>Neutral</b>	<a href="http://statements.unmeetings.org/media2/4654292/celac-en.pdf">http://statements.unmeetings.org/media2/4654292/celac-en.pdf</a>







































































