



**Compilation of Government Reactions to the  
UN International Law Commission's Project on Crimes Against Humanity  
68<sup>th</sup> Session (2013) – 73<sup>rd</sup> Session (2018)**

**Prepared by the  
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**[CrimesAgainstHumanity.wustl.edu](http://CrimesAgainstHumanity.wustl.edu)**

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## INTRODUCTORY NOTE

This document is a compilation of government reactions to the International Law Commission’s Project on crimes against humanity during six sessions of the United Nations General Assembly Sixth Committee (68<sup>th</sup>, 69<sup>th</sup>, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup> and 73<sup>rd</sup>). The comments have been taken from country statements found on the United Nations website.<sup>1</sup> A link for each full statement has been provided in the Compilation Report. Government reactions have been grouped into the following five categories:

Code	Description
<b>Strong Positive</b>	Emphatic yes - key words include: “strong support;” “strong consideration”
<b>Positive</b>	Qualified yes, may offer some suggestions for improvement - key words include: “welcomes;” “supports”
<b>Neutral</b>	Does not take a position, may support another project - key words include: “offers congratulations;” “noting;” “noting with interest;” “stress need for study”
<b>Negative</b>	Querying the project in whole or in part - key words include: “queries;” “takes issue with;” “doubts;” “concerned”
<b>Strong Negative</b>	Emphatic rejection - key words include: “no need;” “doesn’t meet criteria;” “bad idea;” “rejects”

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<sup>1</sup> A previous compilation by the Whitney R. Harris World Law Institute did not contain translations for certain country statements. This updated compilation provides “unofficial translations” for previous and current sessions.

68 <sup>th</sup> SESSION OF THE UNGA (2013)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Austria	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."	Positive	<a href="https://papersmart.unmeetings.org/media2/703455/austria-part-1.pdf">https://papersmart.unmeetings.org/media2/703455/austria-part-1.pdf</a>
Chile	Director of Legal Affairs in the Ministry of Foreign Affairs, Hernán Salinas Burgos	Mon Nov. 4th, 2013, 4:28-4:56PM	"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."	Positive	<a href="https://papersmart.unmeetings.org/media2/1141875/chile.pdf">https://papersmart.unmeetings.org/media2/1141875/chile.pdf</a>
China	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."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703724/china-e-rev.pdf">https://papersmart.unmeetings.org/media2/703724/china-e-rev.pdf</a>
Cuba (on behalf of CELAC)	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."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703486/cuab-celac.pdf">https://papersmart.unmeetings.org/media2/703486/cuab-celac.pdf</a>
Czech Republic	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."	Positive	<a href="https://papersmart.unmeetings.org/media2/703565/czech.pdf">https://papersmart.unmeetings.org/media2/703565/czech.pdf</a>
France	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."	Strong Negative	<a href="https://papersmart.unmeetings.org/media2/703468/france-e.pdf">https://papersmart.unmeetings.org/media2/703468/france-e.pdf</a>
India	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."	Neutral	<a href="https://papersmart.unmeetings.org/media2/703643/india.pdf">https://papersmart.unmeetings.org/media2/703643/india.pdf</a>
Iran	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 1988."	Strong Negative	<a href="https://papersmart.unmeetings.org/media2/1156427/iran.pdf">https://papersmart.unmeetings.org/media2/1156427/iran.pdf</a>
Italy	Minister Plenipotentiary Andrea Tiriticcò, 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	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	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	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, Roif 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>

68 <sup>th</sup> SESSION OF THE UNGA (2013)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
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>
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	Fri Nov. 1st, 2013, 12:00-12:13PM	"... 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	Thembele Joyini	Tues Oct. 29th, 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>
Spain	Jose Martin y Perez 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/thailand-final.pdf">https://papersmart.unmeetings.org/media2/1156416/thailand-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	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>

SUMMARY TABLE	
<b>STATES AND ENTITIES COMMENTING</b>	<b>24</b>
STRONG POSITIVE	0
POSITIVE	9
NEUTRAL	10
NEGATIVE	3
STRONG NEGATIVE	2

69th SESSION OF THE UNGA (2014)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Australia	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."	Neutral	<a href="http://statements.unmeetings.org/media2/4654832/australia-en.pdf">http://statements.unmeetings.org/media2/4654832/australia-en.pdf</a>
Austria	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."	Positive	<a href="http://statements.unmeetings.org/media2/4654242/australia-en-78.pdf">http://statements.unmeetings.org/media2/4654242/australia-en-78.pdf</a>
Chile	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."	Positive	<a href="http://statements.unmeetings.org/media2/4654407/chile-en.pdf">http://statements.unmeetings.org/media2/4654407/chile-en.pdf</a>
Chile	Mr. Claudio Troncoso R.	Fri. Oct. 31st, 2014, 4:21:44PM	"... 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."	Positive	<a href="http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf">http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf</a>
Costa Rica (on behalf of CELAC)	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."	Neutral	<a href="http://statements.unmeetings.org/media2/4654292/celac-en.pdf">http://statements.unmeetings.org/media2/4654292/celac-en.pdf</a>
Croatia	Mr. Sebastian Rogac	Tues. Oct. 28th, 2014, 12:22-12:29PM	"Croatia congratulates Mr. Sean D. Murphy for his appointment as Special Rapporteur for this important topic. ... Croatia fully supports endeavors aimed at developing a global international instrument for the prevention, prosecution and punishment of crimes against humanity as well as cooperation between States in that regard. ... In conclusion, Mr. Chairman, let me express our hope that the very important work of the Commission in this field will, ... sooner rather than later, result in a new Convention on crimes against humanity, and thus add to the ever stronger architecture for the prevention, prosecution and punishment of the most serious international crimes."	Strong Positive	<a href="http://statements.unmeetings.org/media2/4654495/croatia-1-.pdf">http://statements.unmeetings.org/media2/4654495/croatia-1-.pdf</a>
Czech Republic	Mr. Petr Válek	Tues. Oct. 28th, 2014, 10:15-10:20AM	"... the Czech Republic commends the Commission for the inclusion of the topic "Crimes against humanity" in its programme of work and welcomes the appointment of Mr. Sean D. Murphy as Special Rapporteur for this topic. The Czech Republic is aware of the fact that there are important gaps in the current international legal framework governing the prosecution of crimes under international law and that the Commission's work on this topic should end up in providing a key missing piece in this framework. It is clear that the debates on this newly included topic will reflect and build upon current international legal framework. ... In addition, it will certainly take into account important efforts in other governmental and non-governmental fora, namely a proposal by the Governments of Argentina, Belgium, the Netherlands, Senegal and Slovenia to elaborate a multilateral treaty on mutual legal assistance and extradition in domestic prosecution of atrocity crimes, as well as the Crimes against Humanity Initiative of Whitney R. Harris World Law Institute. The Czech Republic awaits with interest the first report by the Special Rapporteur and the ensuing discussion of the Commission on this topic."	Strong Positive	<a href="http://statements.unmeetings.org/media2/4654285/czech-republic-en-78-part-i.pdf">http://statements.unmeetings.org/media2/4654285/czech-republic-en-78-part-i.pdf</a>
El Salvador	Ms. Maria del Pilar Escobar Pacas	Tues. Oct. 28th, 2014, 12:09-12:21PM	"Lastly, with regard to chapter XVI of the report, we thank the Commission for including in its work plan the topic "Crimes of Humanity", to which we will give special monitoring to support in its work of codification and progressive development. We also extend our congratulations to Mr. Sean Murphy on his appointment as Special Rapporteur on the subject and we wish him the greatest success in his career."	Neutral	<a href="http://statements.unmeetings.org/media2/4654304/el-salvador-sp.pdf">http://statements.unmeetings.org/media2/4654304/el-salvador-sp.pdf</a>
Finland (on behalf of the Nordic Countries)	Ms. Päivi Kaukoranta	Mon. Oct. 27, 2014, 11:23-11:34AM	"The International Law Commission decided to include [Crimes against humanity] in its programme of work and to appoint Sean D. Murphy as Special Rapporteur. The Nordic countries commend this decision and are following the progress of work on this topic with great interest. ... The Nordic countries support the continuation of this topic and look forward to providing our further input as the work of the Commission progresses, and encourage other States to do the same."	Positive	<a href="http://statements.unmeetings.org/media2/4654297/finland-en.pdf">http://statements.unmeetings.org/media2/4654297/finland-en.pdf</a>

69th SESSION OF THE UNGA (2014)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
France	Mr. François Alabrune	Wed. Oct. 29th, 2014, 3:56-4:16PM	<p>"Concerning the topic on "Crimes against humanity", the ambitious nature of the project must be recorded. However, my delegation reiterates its doubts regarding the need for relevant agreement. It seems to him preferable to encourage universal participation the statute of the International Criminal Court and the effective implementation of existing standards. A risk of contradiction between these standards and the draft Convention is also to be feared.</p> <p>Lastly, France is concerned about the use that may be made by the Commission Draft International Convention on the Prevention and Punishment of Crimes against Humanity developed by Washington University in St. Louis, with the objective, and I quote, to "consolidate the system of the International Criminal Court ". As it stands, this project raises questions serious as under domestic law and international law. These questions concern in particular on the establishment of universal jurisdiction for crimes against humanity. Caution is also needed with regard to the unenforceable nature national courts of the immunities of heads of state or of the application of non bis in idem reserved to cases of "effective" judgments."</p>	Strong Negative	<a href="http://statements.unmeetings.org/media2/4654666/france-fr.pdf">http://statements.unmeetings.org/media2/4654666/france-fr.pdf</a>
Ireland	Mr. James Kingston	Mon. Oct. 27, 2014, 12:50-12:58PM	<p>"... Ireland takes note of the fact that the topic "Crimes Against Humanity" has been added to the Commission's programme of work and congratulates Mr. Sean Murphy on his appointment as Special Rapporteur.</p> <p>Ireland shares the concern expressed by other delegations that there is a lacuna in the area of operational tools in relation to the prosecution of international atrocity crimes, and, for that reason, supports the international initiative towards the development of a Multilateral Treaty for Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes. We ... would not wish to see the work of the Commission on the topic of Crimes Against Humanity detract from this initiative.</p> <p>... We look forward to the first report of the Special Rapporteur on this topic."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/4654331/ireland-new.pdf">http://statements.unmeetings.org/media2/4654331/ireland-new.pdf</a>
Israel	Ms. Sarah Weiss Ma'udi	Tues. Oct. 28th, 2014, 11:44-11:49AM	<p>"With regard to the new agenda item, Crimes Against Humanity, I would first like to express Israel's sincere appreciation to the International Law Commission for moving the topic of crimes against humanity to its active agenda and for its appointment of the Special Rapporteur, Mr. Sean Murphy, to lead this process. The absence of a comprehensive global treaty on crimes against humanity should be of concern to the entire international community. Israel, therefore, welcomes this process and hopes to contribute to it in a constructive manner. ... The codification of crimes against humanity in a new treaty would be an important achievement for the international community."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/4654415/israel-en.pdf">http://statements.unmeetings.org/media2/4654415/israel-en.pdf</a>
Italy	Mr. Andrea Tiriticco	Wed. Oct. 29th, 2014, 4:28-4:53PM	<p>"On the topic "Crimes against Humanity" we salute the appointment of the Special Rapporteur Sean Murphy and look forward to the work of the Commission in this area. It is important to discuss this topic. However, it must be clear that Article 7 of the Rome Statute of the International Criminal Court is in no way under discussion. The focus of the work of the Commission should be on mechanisms to fill any jurisdictional gaps and on the implementation at the national level of international norms relating to this category of crimes. Moreover, in so doing the Commission should be mindful of initiatives focusing on fostering interstate cooperation on ICC crimes."</p>	Positive	<a href="http://statements.unmeetings.org/media2/4654649/italy.pdf">http://statements.unmeetings.org/media2/4654649/italy.pdf</a>
Jamaica	H.E. Mr. E. Courtenay Rattray	Wed. Nov. 5th, 2014, 10:50-11:06AM	<p>"The Commission has also decided to place the topic of Crimes against Humanity in its programme of work ..."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/4655098/jamaica.pdf">http://statements.unmeetings.org/media2/4655098/jamaica.pdf</a>
Japan	Mr. Tomoyuki Hanami	Tues. Oct. 28th, 2014, 11:17-11:31AM	<p>"In the sixty-sixth session, the Commission decided to include the topic "Crimes against humanity" in its programme of work and appointed Mr. Sean Murphy as the Special Rapporteur. The delegation of Japan would like to congratulate the Special Rapporteur on his appointment. Japan, as a member of the International Criminal Court, shares the view that the "fight against impunity" is one of the major goals to be pursued in the modern international society, and expects that this topic will greatly contribute to the development of the international criminal law. We look forward to seeing the discussion on this topic starting from the next session."</p>	Positive	<a href="http://statements.unmeetings.org/media2/4654431/japan-en.pdf">http://statements.unmeetings.org/media2/4654431/japan-en.pdf</a>
Malaysia	Mr. Wan Mohd Asnur Wan Jantan	Wed. Nov. 5th, 2014, 11:06-11:23AM	<p>"Malaysia notes the ILC Report at its 66th Session that the Commission has decided to include the topic "Crimes against Humanity" in its long-term programme of work, on the basis of the recommendation of the Working Group on the Long-Term Programme of Work. Malaysia further notes the appointment of Mr. Sean D. Murphy as Special Rapporteur for the topic.</p> <p>... It is also noted that ICC does not have the capacity to prosecute all persons who commit crimes against humanity in light of insufficient resources. Malaysia viewed that Article 115 of the Rome Statute provides for funding of resources of the ICC. Therefore in lieu of drafting a new Convention to address the inadequacy of resources for the prosecution of all perpetrators of crimes against humanity regardless of his position, it argues well that the ICC be supported by providing additional funds to enhance their resources.</p> <p>... Finally, Malaysia is of the view that the time is not yet ripe at this juncture to consider an elaboration of a new international instrument on the issue of crimes against humanity."</p>	Negative	<a href="http://statements.unmeetings.org/media2/4655090/malaysia-color.pdf">http://statements.unmeetings.org/media2/4655090/malaysia-color.pdf</a>
Mongolia	Mr. Och Od	Fri. Oct. 31st, 2014, 5:41:54:6PM	<p>"In our statement last year, my delegation expressed its support for the inclusion of the new topic "Crimes against humanity" to the Commission's long-term programme of work with the belief that it will focus on the importance a new treaty complementing the Rome Statute of the International Criminal Court (ICC). I believe this belief was also shared by many Member states at the time.</p> <p>Regarding the Commission's decision on inclusion of the topic in its programme of work and appointed Mr. Sean Murphy as Special Rapporteur for the topic in July this year, I wish to express my delegation's concerns that creation of new definitions that differ from the already existing ones like those contained in the Rome Statute of the ICC could only create problems for the determination of the crime and which in turn may result in impunity of those responsible. This view was also echoed in the statements made earlier by Member states in connection to the Commission's report.</p> <p>The formulation of article 7 of the Rome Statute has greatly contributed to specifying and defining the crime against humanity. Thus a specific criminalization of crimes against humanity already exists, and is applicable to states parties and non-states parties to the Rome Statute alike."</p>	Negative	<a href="http://statements.unmeetings.org/media2/4654890/mongolia.pdf">http://statements.unmeetings.org/media2/4654890/mongolia.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Netherlands, The	Dr. Liesbeth Linjaard (Ms.)	Tues. Oct. 28th, 2014, 10:21-10:33AM	"The Commission earlier decided to include the topic of crimes against humanity onto its programme of work, and we congratulate Mr Sean Murphy on his appointment as Special Rapporteur. ... [W]e appreciate that the Commission is looking into the desirability of formulating a specific instrument with respect to crimes against humanity, as none currently exists. However, we consider that this issue is to a large extent already addressed in the Rome Statute, in a provision reflective of existing customary law. ... What is currently missing is an international instrument on mutual legal cooperation covering all major international crimes, including but not limited to crimes against humanity."	Negative	<a href="http://statements.unmeetings.org/media2/4654389/netherlands-en.pdf">http://statements.unmeetings.org/media2/4654389/netherlands-en.pdf</a>
New Zealand	Ms. Penelope Ridings	Wed. Oct. 29th, 2014, 10:43-10:50AM	"New Zealand supports the inclusion of the topic "crimes against humanity" in the agenda of the Commission. As he continues his work in this area we encourage the Special Rapporteur to draw from the definition of crimes against humanity contained in the Rome Statute of the International Criminal Court rather than elaborate a new definition of such crimes."	Positive	<a href="http://statements.unmeetings.org/media2/4654458/nz-cluster-1-and-2.pdf">http://statements.unmeetings.org/media2/4654458/nz-cluster-1-and-2.pdf</a>
Peru	H.E. Mr. Gustavo Meza-Cuadra	Mon. Oct. 27th, 2014, 12:16-12:20PM	"4. In the first place, Peru takes note of the specific issues on which the comments would be of particular interest to the Commission, which are described in Chapter III. In particular, on the topics: ... and "crimes against humanity". In this regard, my delegation takes into account the deadline for submitting comments and comments in written form."	Neutral	<a href="http://statements.unmeetings.org/media2/4654302/peru-sp.pdf">http://statements.unmeetings.org/media2/4654302/peru-sp.pdf</a>
Poland	Mr. Janusz Stańczyk	Tues. Oct. 28th, 2014, 10:48-10:57AM	"Poland welcomes Commission's decision to include the topic "Crimes against humanity" in its programme of work. The topic is of fundamental character for international community particularly as regards combating impunity and ensuring the rule of law."	Positive	<a href="http://statements.unmeetings.org/media2/4654393/poland-en.pdf">http://statements.unmeetings.org/media2/4654393/poland-en.pdf</a>
Republic of Korea	Mr. Sung-ho Han	Wed. Oct. 29th, 2014, 11:04-11:14AM	"The Korean Government welcomes the ILC's adoption of the topic "Crimes against Humanity" in its program of work at the 66th Session in 2014, and the appointment of Professor Sean Murphy as the Special Rapporteur. ... The international community needs to send a clear message that perpetrators of crimes against humanity will be punished unequivocally, irrespective of one's domestic legal status. Therefore, my delegation hope the ILC will take into account the following issues in dealing with this agenda. ... The Korean Government again welcomes the adoption of the new ILC agenda, and we will do our best to actively cooperate with the ILC."	Positive	<a href="http://statements.unmeetings.org/media2/4654564/rok.pdf">http://statements.unmeetings.org/media2/4654564/rok.pdf</a>
Romania	Mr. Felix Zaharia	Mon. Oct. 27, 2014, 12:21-12:30PM	"Romania congratulates Professor Sean D. Murphy for being appointed as Special Rapporteur for the topic "Crimes against Humanity". However, we appreciate that this topic should be treated with great caution. First, a definition of the crimes against humanity should be avoided, as existing international law already contains sufficient guidance in this respect. Secondly, the purpose of the work within the International Law Commission should be clearly defined. Thirdly, the topic should take carefully into consideration the developments towards the universality of the International Criminal Court, and should be correlated with the existing initiatives in the field. We are looking forward to the further study of the International Law Commission in this field."	Neutral	<a href="http://statements.unmeetings.org/media2/4654257/romania-en-78-.pdf">http://statements.unmeetings.org/media2/4654257/romania-en-78-.pdf</a>
South Africa	Mr. Andre Stemmet	Tues. Oct. 28th, 2014, 12:30-12:48PM	"... South Africa notes that the topic on Crimes Against Humanity has been accepted in the long term work of the Commission. While we have previously expressed some reservations in relation to the topic's inclusion, we remain attentive to this important topic and how the work in relation to crimes against humanity will progress. ... We continue to hold the view that even in the absence of a stand-alone Convention on the Prevention and Punishment of Crimes Against Humanity, there remains sufficient legal basis for the criminalisation of crimes against humanity in national law. ... ... We remain cautious that any work by the International Law Commission in this area should not undermine the Rome Statute system ... We do, however, consider that there could be important advances made on this topic ..."	Neutral	<a href="http://statements.unmeetings.org/media2/4654324/south-africa-en.pdf">http://statements.unmeetings.org/media2/4654324/south-africa-en.pdf</a>
Spain	Mr. José Martín Pérez de Nanclares	Wed. Oct. 29th, 2014, 10:51AM	"Spain welcomes the ILC's decision to include the topic "crimes against humanity". Indeed, unlike the other two types of international crimes (war crimes and genocide), crimes against humanity are the only ones not subjected to an international treaty obliging the states to prevent and punish such acts and to cooperate among themselves to that avail. We congratulate, then, Mr. Murphy for his appointment as Special Rapporteur, wishing him at the same time success in his work. Nevertheless, we will have to look carefully both at the specific elements which will be part of the Convention, and, concretely, its precise relation with the Rome Statute and the role of the International Criminal Court, without going beyond its regulation."	Positive	<a href="http://statements.unmeetings.org/media2/4654448/spain-sp-and-en.pdf">http://statements.unmeetings.org/media2/4654448/spain-sp-and-en.pdf</a>
Trinidad and Tobago	Mr. Eden Charles	Mon. Nov. 23rd, 2014, 5:53-5:59PM	"We also take this opportunity to express our congratulations to Professor Sean D. Murphy on his appointment as Special Rapporteur for the topic, crimes against humanity. We fully support the inclusion of this topic on the current agenda of the Commission. ... Moreover, like others, we wish to emphasise that the project should not detract from but rather complement what is provided under the Rome Statute of the International Criminal Court."	Positive	<a href="http://statements.unmeetings.org/media2/4655069/tt-rev.pdf">http://statements.unmeetings.org/media2/4655069/tt-rev.pdf</a>
United Kingdom	Mr. Iain MacLeod	Mon. Oct. 27, 2014, 12:40-12:46PM	"The United Kingdom notes that the Commission decided to include the topic Crimes against humanity in its programme of work and to appoint Mr. Sean Murphy as Special Rapporteur. ... The United Kingdom acknowledges that there is currently no general multilateral framework governing crimes against humanity and that there may be benefit in investigating how an extradite or prosecute regime in respect of such crimes would operate. The United Kingdom welcomes the careful consideration that the Special Rapporteur has given to the inter-relationship between the work on this topic and the Rome Statute, which already provides for the international prosecution of crimes against humanity. The United Kingdom believes that it is important that the work of the International Criminal Court in this area is not affected, whilst recognising that ICC prosecutions should be complementary to the exercise of national jurisdiction. The United Kingdom would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity."	Neutral	<a href="http://statements.unmeetings.org/media2/4654282/uk-en-78-part-1.pdf">http://statements.unmeetings.org/media2/4654282/uk-en-78-part-1.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
United States	Ms. Mary McLeod	Tues. Oct. 28th, 2014, 12:48-12:57PM	"... the United States looks forward to a thorough discussion of the topic [of Crimes Against Humanity] now that the Commission has added it to its active agenda. We support and very much welcome the appointment of Sean Murphy as Special Rapporteur ... ... [T]he 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, and we look forward to following the ILC's work on this subject now that it is on the active agenda."	Positive	<a href="http://statements.unmeetings.org/media2/4654447/us.pdf">http://statements.unmeetings.org/media2/4654447/us.pdf</a>

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POSITIVE	12
NEUTRAL	9
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70th SESSION OF THE UNGA (2015)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Austria	Mr. August Reinisch	Wed. Nov. 4, 2015, 3:56-4:09PM	<p>"Concerning the topic "Crimes against humanity", my delegation welcomes the report of Special Rapporteur Sean Murphy and his conclusions regarding a convention on this topic that would have an existence independent from the Rome Statute of the International Criminal Court.</p> <p>...</p> <p>According to the first draft article, on the scope, the future convention will apply to the prevention and punishment of crimes against humanity. My delegation is in favour of the proposed extension of the scope of the convention also to the prevention of such crimes. ...</p> <p>Draft Article 2 relating to the general obligation to prevent and punish qualifies crimes against humanity as "crimes under international law". ... To us it is not clear what is the difference between the term "international crimes" and the term "crimes under international law". We would be interested in a clarification if there is a distinction between the two expressions; if not, the term "crimes under international law" should be avoided."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654746/austria.pdf">http://statements.unmeetings.org/media2/7654746/austria.pdf</a>
Belarus	Delegation of Belarus	Fri. Nov. 6, 2015, 10:02-10:16AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"... in light of the latest trends in criminal international law and treaty practice, it would be useful, from a practical point of view, to achieve a definite systemization and clarification of the definition 'crime against humanity' as well as the measures of prevention and prosecution of these crimes ... [W]e are not confident that the outcome of discussing this topic must be the elaboration of an international treaty, pre-mature adoption of which may have an opposite effect in terms of augmentation of the legal regime of fight against the aforesaid serious crimes and their diverse manifestations covered by existent international treaties."</p>	Negative	<a href="http://statements.unmeetings.org/media2/7654917/belarus.pdf">http://statements.unmeetings.org/media2/7654917/belarus.pdf</a>
Chile	Mr. Claudio Troncoso	Fri. Nov. 6, 2015, 2:46-2:58PM	<p>"The establishment of prevention and punishment of crimes against humanity as an international obligation of States, by means of a specific treaty concerning such crimes, is essential so that we do not again have to bemoan the fact that innocent people fall victim to the most abhorrent behavior known to humanity. We congratulate the Special Rapporteur on his work and look forward to his second report."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654990/chile-english-.pdf">http://statements.unmeetings.org/media2/7654990/chile-english-.pdf</a>
China	Mr. XU Hong	Fri. Nov. 6, 2015, 4:23-4:37PM	<p>"With respect to "Crimes against humanity", the Commission considered at its 67th session the first report of Special Rapporteur Mr. Sean Murphy, and provisionally adopted four draft articles and related commentaries. The Chinese delegation thanks the Special Rapporteur for his in-depth research on the topic, and appreciates the outcome of the Commission's work.</p> <p>... The discussion and codification of the topic by the Commission is ... of great significance. The Chinese delegation would like to make the following comments on the above-mentioned draft articles.</p> <p>First of all, codification of draft articles should be based on a thorough review of the practice of States. ... [D]raft article 3, in establishing the definition of "crimes against humanity", has adopted verbatim the provision of the Rome Statute of the International Criminal Court, effectively regarding the latter as a universally accepted definition. ... [I]n the negotiation of the Rome Statute, there were disagreements over the definitions and elements of various crimes, including crimes against humanity. ... It is therefore necessary for the Commission to review the positions and practice of States in a more comprehensive manner in order to lay down a really sound basis for the said definition.</p> <p>Secondly, with respect to the list of specific crimes, full consideration should be given to differences among national legal systems. ...</p> <p>Thirdly, it warrants further consideration whether the obligation of States to prevent crimes against humanity as currently drafted is too broad. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654986/china-english-.pdf">http://statements.unmeetings.org/media2/7654986/china-english-.pdf</a>
Croatia	H.E. Ambassador Andreja Metelko-Zgombić	Fri. Nov. 6, 2015, 2:38-2:45PM	<p>"It is a special privilege to address this Committee on the work of the International Law Commission relating to the topic "Crimes against humanity". Let me express our appreciation for the very informative and comprehensive First report prepared by Special Rapporteur Mr. Sean Murphy, as well as for the presentation of the (first) four provisionally adopted draft Articles. Croatia strongly supports all efforts aimed at developing a global international instrument for the prevention, prosecution and punishment of crimes against humanity and States' cooperation in that regard and stands ready to actively contribute to this endeavor.</p> <p>At this very early stage of the project, I would like to share with you our position on a few important elements contained in the draft Articles provisionally adopted by the Commission. ..."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7654989/croatia.pdf">http://statements.unmeetings.org/media2/7654989/croatia.pdf</a>
Czech Republic	Mr. Petr Valek	Wed. Nov. 4, 2015, 4:34-4:45PM	<p>"The Czech Republic welcomes the first set of draft articles on the topic "Crimes against humanity" and would like to express its appreciation to the Special Rapporteur, Mr. Sean D. Murphy, for his outstanding contribution to this progress. We consider the draft articles, provisionally adopted at this year's session of the Commission, to be non controversial, ...</p> <p>My delegation notes with satisfaction that the definition of the crimes against humanity, ... mirrors verbatim, except for necessary contextual changes, the definition of crimes against humanity contained in Article 7 of the Rome Statute of the ICC which already received wide acceptance and is increasingly seen as a codification of customary international law of crimes against humanity.</p> <p>Our delegation also welcomes the provisional adoption of draft article 4 on obligation of prevention of crimes against humanity. This provision addresses one of important missing pieces in global efforts aimed at suppression of crimes against humanity. ... Nevertheless, my delegation wonders whether this provision should not be made more robust by incorporating some of these preventive measures directly in the text of the draft article.</p> <p>In addition, we are of the opinion that the ongoing work in other fora, in particular the proposal by the Governments of Argentina, Belgium, the Netherlands, Senegal and Slovenia to elaborate a multilateral treaty on mutual legal assistance and extradition in domestic prosecution of atrocity crimes, as well as the Crimes against Humanity Initiative of Whitney R. Harris World Law Institute, offer an important source of inspiration for the Commission's work on this topic."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654776/czech-republic.pdf">http://statements.unmeetings.org/media2/7654776/czech-republic.pdf</a>
Ecuador (on behalf of CELAC)	Mr. Agustin Fornell	Mon. Nov. 2, 2015, 10:46-11:00AM	<p>"... CELAC countries reaffirm the importance of submitting possible comments and observations by 31 January 2016, in particular on the specific issues identified in chapter III, regarding: ... "Crimes against humanity" ..."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654385/ecuador-on-behalf-of-celac.pdf">http://statements.unmeetings.org/media2/7654385/ecuador-on-behalf-of-celac.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
El Salvador	Delegation of El Salvador	Fri. Nov. 6, 2015, 5:15-5:22PM	<p>"We now refer to the topic of "Crimes of Humanity". We wish to express our appreciation to Mr. Sean Murphy for the submission of his first report and the drafting of the respective draft articles, which commence this important process at the international level, to move towards the development of a project exclusively for Crimes against humanity.</p> <p>This effort is undoubtedly necessary in order to: fill in the gaps that exist on the subject, promote uniformity in criminal law at the domestic level, and enhance compliance with the various obligations of States, including the prevention and punishment of these serious crimes.</p> <p>With regard to the articles proposed and provisionally approved by the Drafting Committee, the scope of draft article 1 seems to us to be of great importance, but we note the need to make it clear that crimes against humanity may be committed at any time. We therefore suggest a wording similar to that used in the Convention on the Prevention and Punishment of the Crime of Genocide, which expressly states that the offense may be committed "in time of peace or in time of war".</p> <p>...</p> <p>On the other hand, with regard to the definition of crimes against humanity, my delegation considers that, while it is necessary to maintain proper coherence with existing treaties, this should not mean an automatic reproduction of its content. We therefore suggest that the opportunity should be taken to discuss the scope of the definition of crimes against humanity. ..."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7655007/el-salvador.pdf">http://statements.unmeetings.org/media2/7655007/el-salvador.pdf</a>
France	Mr. Francois Alabrune	Wed. Nov. 4, 2015, 3:32-3:55PM	<p>"With regard to the subject concerning the "Crimes against the humanity", the Special Rapporteur must be thanked for his first report and the work done since the registration of the subject in the program of the Commission a year ago. The proposals of the Commission however raise a few questions.</p> <p>...</p> <p>Finally, with regard to the future work of the Commission on this subject, the idea of arrange the creation of a treaty body to check does not seem to us timely. The establishment of such a type of organ is justified when the convention to which he s backs door creation of rights has destination of individuals, such as the treaties in the field of human rights. This is not the case of the draft articles, which pursues essentially a purpose penal in aimed to introduce a criminalisation penale and has arrange mechanisms for judicial cooperation between States."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654959/france.pdf">http://statements.unmeetings.org/media2/7654959/france.pdf</a>
Germany	Mr. Kai Hennig	Fri. Nov. 6, 2015, 3:15-3:24PM	<p>"Germany welcomes the work of the ILC on this highly relevant topic. We thank Special Rapporteur Sean Murphy for his highly impressive and informative first report, which is based on broad and in-depth research. As a staunch supporter of international criminal law, Germany attaches great importance to the topic at hand. In our view, a possible Convention on Crimes against Humanity would not only complement treaty law on the core crimes, but might also foster inter-state cooperation on the investigation, prosecution and punishment of such criminal acts. Thus, a future convention might provide further impetus to our mutual aspirations to end impunity for atrocity crimes.</p> <p>... In our view, it is crucial for the success of the work of the ILC on this project that compatibility with existing rules and institutions of international criminal law, in particular the International Criminal Court and its statute is guaranteed by all means.</p> <p>... in our view it is highly pertinent to ensure that future developments in the case law of international courts and tribunals play an important role in interpreting a possible future Convention. ... Hence, we welcome the clarification in the commentary to draft article 3 that the jurisprudence of the International Criminal Court and other international or hybrid courts and tribunals will continue to provide guidance on the meaning of the definition of crimes against humanity. This premise might even be formulated a little more strongly, e.g. by including an obligation to duly take into account the said case law when interpreting this provision. ... We will continue to follow the work of the ILC on this issue with great interest. Germany has already supported it by providing relevant information and we would like to encourage other States to do likewise."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7654964/germany.pdf">http://statements.unmeetings.org/media2/7654964/germany.pdf</a>
Greece	Maria Telalian	Wed. Nov. 4, 2015, 4:11-4:33PM	<p>"Concerning the item "Crimes against humanity" I would like to commend the Special Rapporteur, Mr. Sean Murphy, for his detailed first report on the topic. Greece attaches great importance to the fight against impunity for the most heinous crimes of international concern, including the crimes against humanity.</p> <p>We are not, however, entirely convinced about the desirability and the necessity of a Convention addressing exclusively that category of crimes.</p> <p>In this respect, we share the views expressed by some States in previous sessions of this Committee that the Rome Statute of the International Criminal Court provides a sufficient legal basis for the domestic criminalization and prosecution of crimes against humanity ....</p> <p>...</p> <p>We, therefore, are of the view that the entry into force of the Rome Statute and the establishment of the International Criminal Court has rendered to a large extent unnecessary the elaboration of a Convention on the crimes against humanity.</p> <p>We also believe that, despite the cautious approach and declared intention of both the Special Rapporteur and the Commission not to affect existing conventional regimes and the Rome Statute of the International Criminal Court, the risk of reopening during the future negotiation of a Convention the consensus reached on the definition of the crimes against humanity, as contained in Article 7 of the Rome Statute, cannot be excluded.</p> <p>Moreover, we share the concerns expressed by some States and members of the Commission that such a convention may hamper efforts to achieve the universality of the Rome Statute, since some States may deem it sufficient to ratify the former without adhering to the latter.</p> <p>...</p> <p>We, therefore, believe that, at this stage, efforts of the international community should rather focus, on the one hand, on the promotion of universality and effective implementation of the Rome Statute and, on the other, on the establishment of necessary mechanisms of inter-State cooperation for the domestic investigation and prosecution of the most serious crimes of concern to the international community. In this respect, Greece has already expressed its support for the international initiative towards the establishment of a multilateral treaty for mutual legal assistance and extradition in domestic prosecution of atrocity crimes."</p>	Strong Negative	<a href="http://statements.unmeetings.org/media2/7654957/greece.pdf">http://statements.unmeetings.org/media2/7654957/greece.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Hungary	Ms. Rita Silek	Fri. Nov. 6, 2015, 12:37-12:42PM	"Hungary believes that crimes against humanity are among the most serious crimes that threaten the international community as a whole. We agree that - unlike for war crimes or genocide - there has been no unified treaty for prosecuting crimes against humanity, and this legal gap needs to be addressed. ... In view of these we support the Commission's work on the elaboration of a new convention on crimes against humanity. At the same time we wish to echo those views that call for some caution to avoid conflict with other existing legal regimes in this field, especially the Rome Statute. Looking at the draft articles adopted by the Commission so far we are pleased to see that the Commission's work has followed the guidance given by States in the previous debates and heavily relies on the Rome Statute and the jurisprudence of the international criminal tribunals in this field."	Positive	<a href="http://statements.unmeetings.org/media2/7654954/hungary.pdf">http://statements.unmeetings.org/media2/7654954/hungary.pdf</a>
India	Ms. Riti Pathak	Fri. Nov. 6, 2015, 11:59AM-12:05PM	"On the topic "Crimes against humanity", we welcome the first report of the Special Rapporteur, Professor Sean D Murphy. The report assessed potential benefits of developing a convention on crimes against humanity and dealt with certain aspects of the existing multilateral conventions that promote prevention, criminalization and inter-State cooperation in dealing with crimes.  In view of the existing international legal regimes and mechanism dealing with the subject matter, we consider that it needed in depth study and thorough discussion in the Commission. The proposed obligations should not conflict with the existing treaty obligations and it should not duplicate the existing regimes."	Neutral	<a href="http://statements.unmeetings.org/media2/7654940/india.pdf">http://statements.unmeetings.org/media2/7654940/india.pdf</a>
Indonesia	H.E. Ferry Adamhar	Mon. Nov. 9, 2015, 10:40-10:56AM	"Moving on to the topic of crimes against humanity, let me begin by expressing my delegation's appreciation to Mr. Sean Murphy, the Special Rapporteur for the topic Crime Against Humanity for his excellent first report and for his lucid introduction to the topic. A convention on crimes against humanity is essential as part of the effort of the international community to fight impunity. ... The convention could in our view provide regulation on inter-State relations in addressing crimes against humanity. ... Furthermore, it is also important to ensure that such a convention should be realistic and workable. In addition, my delegation considers that the convention should also contain provisions on the obligation to prevent that would clarify the criteria as to how a failure of preventing the acts of crimes against humanity would incur State responsibility. That is why in this connection that we suggest that the question of State responsibility related to the obligation to prevent deserves further elaboration by the Special Rapporteur and discussion by the Commission."	Positive	<a href="http://statements.unmeetings.org/media2/7655046/indonesia.pdf">http://statements.unmeetings.org/media2/7655046/indonesia.pdf</a>
Iran	Mr. Reza Deghani	Mon. Nov. 9, 2015, 11:36AM-12:00PM	"Turning to the topic "crimes against humanity", the Islamic Republic of Iran is of the view that the idea of drafting a new convention on crimes against humanity by the Commission, is premature and due to many reasons, still needs serious consideration. First of all, crimes against humanity as a crime under international law has been defined clearly in numerous international instruments since the World War II, the most important of which being the Statute of the International Criminal Court (ICC). Reviewing of the first report of the Special Rapporteur and the proposed draft articles makes it obvious that no new provisions are to be codified or developed by the Commission on this topic. In this respect, it is enough to consider the fact that virtually all the States which addressed the issue before the Sixth Committee maintained that, the Commission should not adopt a definition on "crimes against humanity" that differs from article 7 of the Rome Statute. ... Furthermore, under the principle of Aut dedere aut judicare (which has been included in several international instruments), bilateral judicial assistance agreements and other international instruments referred to by the Special Rapporteur in the first report, there is sufficient legal basis as to the prevention and punishment of crimes against humanity. ... Furthermore, one may conclude that consideration of a new convention on a topic of international law parallel to the existing instruments cannot, by itself, contribute to its strengthening, it may rather lead to fragmentation of international law and would not fill any legal lacunae in international legal order. For this reason we have not yet convinced that drafting a new convention could bring any added value to the existing international legal framework in this regard."	Strong Negative	<a href="http://statements.unmeetings.org/media2/7655056/iran.pdf">http://statements.unmeetings.org/media2/7655056/iran.pdf</a>
Israel	Ms. Sarah Weiss Ma'udi	Fri. Nov. 6, 2015, 12:15-12:22PM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of " <b>Crimes against Humanity</b> ". Israel welcomes the process. ... A comprehensive, global codification of "crimes against humanity" would benefit the entire international community. It is the position of the State of Israel that such codification, including the list of crimes and their definition, should reflect customary international law on the subject and the widest possible consensus amongst states. ... ... Since Israel continues to attach great importance to this topic, the Government of Israel would be honored to contribute to the drafting process of the new proposed treaty."	Strong Positive	<a href="http://statements.unmeetings.org/media2/7654946/israel.pdf">http://statements.unmeetings.org/media2/7654946/israel.pdf</a>
Italy	Mr. Andrea Tiriticco	Mon. Nov. 2, 2015, 11:34-11:53AM	"Allow me briefly to comment on Chapter VII regarding the topic "Crimes against humanity"; my delegation would like, first of all, to congratulate the special rapporteur, Mr. Sean Murphy, for his outstanding first report, which has been duly reflected in the quality of the report of the Commission. Italy is convinced of the potential benefits of developing a convention on crimes against humanity promoting the prevention, criminalisation and cooperation among states. The positive attitude of the Italian delegation is based on the premises of the approach proposed and pursued by the Commission at the present stage of its work. ... The Italian delegation looks forward to discussing in due course the draft articles that will translate operatively the indications just discussed; mindful that there might be other initiatives focusing on multilateral legal assistance and cooperation among Member States focusing on Rome Statute crimes that will have to be taken into account. Member States will have to reflect on the interaction between these initiatives as the activities on this topic move along."	Positive	<a href="http://statements.unmeetings.org/media2/7654393/italy.pdf">http://statements.unmeetings.org/media2/7654393/italy.pdf</a>

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Japan	Mr. Tomoyuki Hanami	Fri. Nov. 6, 2015, 5:47-5:59PM	<p>"Now, I would like to turn to the topic of "Crimes against humanity". The delegation of Japan would like to commend the Special Rapporteur, Mr. Sean Murphy for his extensive work in drawing up the comprehensive first report and draft articles therein. We duly note the draft articles provisionally adopted by the Commission; namely draft articles from 1 to 4. Here, I would like to address several points.</p> <p>To begin with, the delegation of Japan acknowledges the importance of the current work initiated by the Special Rapporteur, namely filling the legal gap of obligations of prevention and punishment of crimes against humanity. ... Japan recognizes that the current work, which will create "horizontal relationships" among states and regulate inter-state cooperation, will lead to strengthening the effort of the international community for preventing those crimes and punishing its perpetrators.</p> <p>Secondly, the delegation of Japan is of the view that the current work should avoid any legal conflicts with the obligations of states arising under the constituent instruments of international courts or tribunals, including the ICC. ...</p> <p>...</p> <p>The delegation of Japan sincerely hopes that, as the fighting against impunity of most serious crimes requires coordinated action by the international community, deliberation of this topic will be continued in the Commission in a cooperative and constructive manner."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655022/japan.pdf">http://statements.unmeetings.org/media2/7655022/japan.pdf</a>
Malaysia	Ms. Edora Ahmad	Mon. Nov. 9, 2015, 11:10-11:22AM	<p>"7. Moving on to the topic on Crimes Against Humanity, Malaysia records its appreciation to the First Report on Crimes Against Humanity (A/CN.4/680) prepared by Mr. Sean D. Murphy, Special Rapporteur for the topic ...</p> <p>8. Malaysia is firmly committed to ending impunity and will continue to support any effort of the ILC towards that end, including the current work in relation to Crimes Against Humanity. ...</p> <p>9. Based on the concept of complementarity, Malaysia is of the view that there may be a necessity for States Parties to the Rome Statute to enact legislation for the crimes under the Rome Statute. ... In view that currently there are 123 States Parties of the Rome Statute, as far as the issue of criminalizing the acts of Crimes Against Humanity, Malaysia remains unclear on any value-add of draft Article 3 (1). ... Malaysia is of the view that the draft Convention should be drafted prudently to ensure that any further work on this should not overlap with existing regimes, but rather to complement it.</p> <p>10. ... In addition, Malaysia is also of the view that other surrounding legal issues such as universal jurisdiction, primacy of jurisdiction and immunity of state officials merit consideration in discussing the draft Convention. ... "</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655051/malaysia.pdf">http://statements.unmeetings.org/media2/7655051/malaysia.pdf</a>
Mexico	Delegation of Mexico	Fri. Nov. 6, 2015, 10:38-10:50AM	<p>"The Government of Mexico wishes to thank the work of the International Law Commission in this regard and the Special Rapporteur, Mr. Sean Murphy, for his work.</p> <p>...</p> <p>We generally welcome the fact that the draft articles resembles the definition of crimes against humanity contained in the Rome Statute. However, we believe that this definition should be clarified in the draft articles in relation to two main aspects, which are considered by various authorities on the subject as insufficiencies of the definition contained in the Rome Statute:</p> <p>First, Mexico considers that draft article 3, paragraph 2, subparagraph (a), should clarify, in the case of the policy of a State or of an organization to commit crimes against humanity, which must be an organization that presents the characteristics of a State (in other words, the term "State-like organization").</p> <p>...</p> <p>Secondly, in paragraph 3 (1) (k) of the draft article on "other similar inhuman acts", it should be noted that a large section of academia considers that this phrase does not meet the required specificity in accordance with the principle of legality which governs international criminal law. We believe that the work of the Commission could be a good opportunity to provide this specificity to the ground."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654926/mexico.pdf">http://statements.unmeetings.org/media2/7654926/mexico.pdf</a>
Netherlands, The	Ms. Liesbeth Lijnzaad	Fri. Nov. 6, 2015, 10:23-10:36AM	<p>"10. My government would like to present its compliments to the Special Rapporteur, Sean Murphy, on his first report on crimes against humanity and the first four draft Articles in that regard.</p> <p>11. The Netherlands agrees with the Commission that the prevention and punishment of crimes against humanity is important and we share the Commission's concerns regarding the continuing occurrence of these crimes. However, we would like to suggest that the problem is perhaps not so much one of definition. ...</p> <p>12. The issue, rather, is the operationalization of the mechanisms to address the prevention and punishment of crimes against humanity, particularly in domestic jurisdiction. It is in this context that a treaty would provide a welcome instrument. ...</p> <p>15. We would like to recall that, together with the governments of Argentina, Belgium and Slovenia, the Netherlands is working towards a new Multilateral treaty on Mutual Legal Assistance and Extradition for domestic prosecution of the most serious international crimes. ... Support for such an instrument is growing steadily. We would welcome close cooperation between the ILC and the promoters of the initiative to improve legal cooperation in the area of combatting the most serious international crimes."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654921/netherlands.pdf">http://statements.unmeetings.org/media2/7654921/netherlands.pdf</a>
New Zealand	Mr. Scott Bickerton	Fri. Nov. 6, 2015, 3:39-3:48PM	<p>"New Zealand welcomes the first report of Mr Sean Murphy on the topic of Crimes Against Humanity. We welcome the focus on both prevention and punishment of crimes against humanity as stated in draft articles 1 and 4. New Zealand acknowledges the careful analysis undertaken by the Commission with regard to the concept of prevention as articulated in a number of international criminal law and international human rights law instruments. We note the call in draft article 4 for states to use a wide range of tools at their disposal to prevent atrocities from occurring.</p> <p>New Zealand also welcomes the proposed definition of crimes against humanity in draft article three, ... We note Article 10 of the Rome Statute of the International Criminal Court contains a similar provision to that proposed by the Commission and that the draft article does not attempt to elaborate a new definition of such crimes. ... "</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654967/new-zealand.pdf">http://statements.unmeetings.org/media2/7654967/new-zealand.pdf</a>

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Peru	Delegation of Peru	Fri. Nov. 6, 2015, 12:55-1:03PM	<p>"8. On the subject of "crimes against humanity", my delegation welcomes the work of the Special Rapporteur, Professor Murphy, whose ultimate objective would be a possible future International Convention on Crimes against Humanity. In this regard, we note the provisional approval by part Of the draft Articles 1 to 4, with the corresponding comments.</p> <p>9. In this regard, as is the case with other issues on the agenda of the Commission, this paper is still in progress and, consequently, our comments are preliminary. In this sense, my delegation reaffirms that - given that there is a legal framework for crimes against humanity (made up, inter alia, by several international conventions, as well as by the Statutes of various international courts and tribunals), it is important to note that these draft articles do not seek to replace this legal framework, but rather to complement it, with regard to the prevention and sanctions of crimes against humanity. An example of such complementarity is that the definition of 'crimes against humanity' reflects almost entirely Article 7 of the Rome Statute.</p> <p>10. Having said this, my delegation looks forward to the second report of the Rapporteur in 2016, which would include:</p> <p>The obligation of a State party to take the necessary measures to ensure that crimes against humanity constitute a criminal offense under national law; and</p> <p>The obligation to take the necessary measures to establish the competence of the State party to exercise its jurisdiction over the crime."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654979/peru.pdf">http://statements.unmeetings.org/media2/7654979/peru.pdf</a>
Poland	Ms. Anna Wyrozumska	Fri. Nov. 6, 2015, 12:08-12:12PM	<p>"Poland welcomes the work of the ILC on the topic of crimes against humanity. We support the use by the Commission of the definition of crimes against humanity as it is defined in article 7 of the Rome Statute. As we have stated last year, one has to consider introducing to the draft also a victim-oriented approach, with particular regard to the most vulnerable category of victims, notably children. Thus, this approach ought to be reflected in draft article 1 ... and draft article 2 ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654928/poland.pdf">http://statements.unmeetings.org/media2/7654928/poland.pdf</a>
Portugal	Mr. Rita Faden	Fri. Nov. 6, 2015, 4:12-4:22PM	<p>"I would like to begin our intervention on this topic by commending the Special Rapporteur, Mr. Sean Murphy, for his comprehensive study ... We believe it gave a good overall view of the background on this subject, but we would like to offer some comments on the on-going work of the Commission regarding this topic.</p> <p>... There were some valid points presented towards the possibility of drafting a convention regulating crimes against humanity, as there are for other crimes of similar nature, particularly when it comes to establishing rules for cooperation and legal assistance between States and allowing for the prosecution of these crimes when a State or other organizations, such as the International Criminal Court, do not have jurisdiction over them. Such an instrument could be one more step to fighting impunity and ensuring accountability where these crimes are concerned.</p> <p>However, we share the view that the study of this topic should be addressed with some caution and that it must take into account the already existing legal framework dealing with crimes against humanity. The work developed must avoid entering into conflict with the regimes in place, in particular with the Rome Statute, but rather seek to complement them.</p> <p>... To conclude my intervention on this topic, to which Portugal attaches great importance, let me assure Mr. Chairman that Portugal will continue to follow with great interest the work of the Commission on this matter."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654985/portugal.pdf">http://statements.unmeetings.org/media2/7654985/portugal.pdf</a>
Republic of Korea	Mr. Rhee Zha Hyoung	Mon. Nov. 9, 2015, 11:22-11:36AM	<p>"Second, regarding the Crimes against humanity, my delegation welcomes the first report submitted by the Special Rapporteur, Professor Sean Murphy, and also the adoption of the four draft articles and their commentaries. My delegation further welcomes the Commission's accomplishment of concrete results even at the initial stage of the process. Since this is an extremely timely topic, coming up with the final results at a time as early as possible is sure to be welcomed by the international community.</p> <p>The main purposes of this work are not only to strengthen international cooperation for the prevention and punishment of crimes against humanity, but also to create a model for domestic legislation on such crimes. Therefore, if the provisions of the prospective Convention on Crimes against Humanity are significantly different from those in existing domestic laws or impose exceedingly burdensome obligations on States, we could expect considerable hesitation on the part of the States in joining the Convention. In this regard, close consultation between States and the ILC, particularly in the Sixth Committee, will be quite useful.</p> <p>My delegation supports the Commission's formulation of Draft Article 3, as it is based on the Rome Statute of the International Criminal Court, thus preventing unnecessary conflict with the Rome Statute and according due respect to the ICC as well. In this regard, in the process of drafting this Convention, it is necessary to conduct a detailed examination of the relevant provisions in existing treaties and the interrelationship of these provisions. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655070/republic-of-korea.pdf">http://statements.unmeetings.org/media2/7655070/republic-of-korea.pdf</a>
Romania	Mr. Ion Galea	Fri. Nov. 6, 2015, 12:23-12:36PM	<p>"The Romanian delegation would like to commend the International Law Commission for its work on the topic of "Crimes against humanity" and would like to particularly thank Special Rapporteur Sean D. Murphy for a very comprehensive and well-structured report.</p> <p>We have read with great interest the solid arguments put forward in paragraphs 10-15 of the Report of the Special Rapporteur, which advocate for the adoption of a treaty for preventing and punishing the crimes against humanity. These arguments will be taken into account by the Romanian side. However, we will communicate our position on this issue at a later stage, as we intend to consider further the implications of such a decision. We are particularly cautious of not undermining, even indirectly, the efforts towards the universality of the Rome Statute of the International Criminal Court. Anyway, the provisions of such a document should not overlap with or undermine the Rome Statute of the International Criminal Court. ...</p> <p>... As regards article 2, we agree with the position expressed by the International Law Commission, according to which the qualification of a crime as "crime against humanity" should not be conditional upon the existence of an armed conflict, since the conduct constituting that type of crime could occur in times of peace as well.</p> <p>With respect to draft article 3, the Romanian delegation fully supports the approach of the International Law Commission of not departing from the provisions of article 7 of the Rome Statute of the International Criminal Court, which enjoy broad consensus. ..."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654935/romania.pdf">http://statements.unmeetings.org/media2/7654935/romania.pdf</a>

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Russian Federation	Permanent Mission of the Russian Federation to the United Nations	Mon. Nov. 9, 2015, 10:29-10:40AM	<p>***UNOFFICIAL TRANSLATION***</p> <p>"The Russian delegation had studied carefully the first report regarding Crimes Against Humanity (CAH) presented by Mr. Sean Murphy and the four projects with commentaries afterwards. In 2013 when the topic of CAH was included in the program of the Commission, we raised the question why a new document of the same nature was needed. As we know, the CAH definition was already included into the Nuremberg Tribunal Chapter, also in the Convention of 1968 about the Statutes of Limitation regarding war crimes and CAH. The discussion of this topic, we guess, could help to harmonize the states' laws on CAH. We support the Commission's approach to use the 1948 Convention's model regarding the prevention of genocide and its punishment. It seems reasonable to reproduce the definition of CAH as it was done in paragraph 3 based on the Rome Statute of the International Criminal Court." ... "The Russian delegation believes that it is enough to state in general the duty of the state to prevent CAH in the project of the document. The link to international law which it follows should be definitely saved. We also want to bring to the attention that the Convention of 1948 does not include any preventive measures. It is important that the duties to prevent are a behavioral norm and not a resulting duty. In this regard we suggest moving paragraph 2 from article 4 to the article with the definition of CAH."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655036/russian-federation.pdf">http://statements.unmeetings.org/media2/7655036/russian-federation.pdf</a>
Singapore	Mr. Pang Kang Chau	Fri. Nov. 6, 2015, 10:51-11:04AM	<p>"7. Next, Mr Chairman, on the topic of "Crimes Against Humanity", my delegation thanks the Special Rapporteur, Mr Sean D. Murphy, in producing his first report on this topic, as well as for the work of the Commission, which has resulted in the provisional adoption of four draft articles that set out a definition of crimes against humanity and the obligation to prevent and punish such crimes. We appreciate the comprehensive manner in which the report surveys the historical development and background to crimes against humanity and the existing international legal framework that promotes the prevention, criminalization and inter-State cooperation with respect to crimes.</p> <p>8. We note that this topic is still in its early stages and would benefit from further reflection and consideration. In this regard, we recall and echo the cautionary note expressed by some delegations at the 68th Session of this Committee to avoid any pre-determined results and that any outcome would require further study. While the report seeks to address the potential benefits of developing draft articles that might serve as the basis of an international convention on crimes against humanity, there may be other outcomes that are ultimately more appropriate.</p> <p>9. Our delegation continues to study the proposed draft articles with a view to providing more in-depth comments at a later stage. In this regard, questions such as the interaction of this topic with existing legal regimes will need to be carefully considered as duplication or conflict with existing regimes could lead to uncertainty."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654927/singapore.pdf">http://statements.unmeetings.org/media2/7654927/singapore.pdf</a>
Slovakia	Mr. Metod ŠPAČEK	Mon. Nov. 9, 2015, 10:13-10:21AM	<p>"Allow me now to turn to the Chapter VII of the Commission's report dealing with the consideration of the topic Crimes against humanity. We would like to commend the Special Rapporteur Sean Murphy for his first report on the topic, and express our overall satisfaction on his approach to the topic and the direction he gave to consideration of the future outcome. It is worthy to notice that decision to handle the topic with a vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic, was the right and wise decision. Thinking in the scope of a future convention is the only viable option for creating an effective implementation of the draft articles as an outcome of the consideration of the topic.</p> <p>We note with satisfaction that the ILC was able to provisionally adopt articles 1 to 4 together with extensive commentaries thereto, which are in fact the key provisions of the future international legal instrument, including the scope of the article, definition provisions and the obligation for prevention of crimes against humanity. With regard to the definitions, our delegation is pleased that they fully reflect the definition of crimes against humanity contained in Article 7 of the Rome Statute, which is generally considered as reflecting the customary international law.</p> <p>We fully support the inclusion of an article on obligation of prevention, as not only is this a longstanding practice in similar multilateral conventions, but primarily the focus on the effective prevention of crimes against humanity is the paramount purpose of a new legal instrument.</p> <p>In closing my intervention, let me express our full support to the Special Rapporteur in his endeavor and to wish him and the Commission every success in early finalizing the topic."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7655030/slovakia.pdf">http://statements.unmeetings.org/media2/7655030/slovakia.pdf</a>
Slovenia	Ms. Bozena Boroje	Mon. Nov. 9, 2015, 10:09-10:13AM	<p>"Turning to Chapter VII: Crimes against humanity. Slovenia would like to thank the Special Rapporteur, Mr Sean D. Murphy, for his comprehensive first report, which has a detailed contextual analysis of the issues at hand, and notes the ambitious tentative road map for the completion of the work on this topic. My delegation welcomes the proposed four draft articles on the scope, general obligation, definition, and obligation of prevention. Slovenia recognises that the present draft articles encompass some key fundamental notions that are vital for our understanding of crimes against humanity, ...</p> <p>Slovenia commends the methodology taken with respect to the definition of crimes against humanity that follows Article 7 of the Rome Statute and draws on the Elements of Crimes. ... As a member of the International Criminal Court, my delegation would like to point to the need for any new treaty on crimes against humanity to be consistent with, and complementary to, the Rome Statute.</p> <p>With regard to the four draft articles, Slovenia appreciates the emphasis placed not only on the aspect of punishment, but also on the obligation of prevention, ...</p> <p>As to Section IV of the Special Rapporteur's report, Slovenia would like to reiterate the importance of inter-state cooperation on mutual legal assistance and extradition with respect to atrocity crimes. ... Slovenia, together with the Netherlands, Belgium and Argentina, is leading an initiative for a Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes, i.e. the MLA initiative. The initiative thus covers all core international crimes, i.e. genocide, war crimes and crimes against humanity. ...</p> <p>Slovenia looks forward to a future discussion on this topic."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655028/slovenia.pdf">http://statements.unmeetings.org/media2/7655028/slovenia.pdf</a>

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South Africa	Mr. Mahlatse Mminele	Mon. Nov. 9, 2015, 10:21-10:24AM	<p>"South Africa welcomes the first report on the topic "Crimes Against Humanity". South Africa wishes to commend Mr Sean Murphy, the Special Rapporteur, for producing not only the well-researched report under consideration, but also four draft articles in a short space of time.</p> <p>... We therefore find the focus on prevention and cooperation in draft Article 1 especially commendable. We support the approach that the draft articles not only apply to after-the fact punishment of crimes against humanity, but also aims to prevent the commission of these heinous crimes in the first place. ...</p> <p>... We agree with the conclusion that the terms "armed conflict" implicitly includes both international and non-international armed conflict. ... However, it will do no harm to state the obvious, that the term "armed conflict" will include armed conflict of both international and internal/non-international nature. ...</p> <p>We agree with the Special Rapporteur's approach in draft Article 3 with respect to the definition of Crimes against Humanity, to take the well-trodden path of following the definition contained in Article 7 of the Rome Statute, with the necessary contextual changes. ...</p> <p>We also agree with the approach taken in draft Article 4, containing the obligation on States to prevent crimes against humanity. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7655032/south-africa.pdf">http://statements.unmeetings.org/media2/7655032/south-africa.pdf</a>
Spain	PROF. JOSÉ MARTÍN y PÉREZ DE NANCLARES	Fri. Nov. 6, 2015, 5:01-5:10PM	<p>"Concerning chapter VII, on crimes against humanity, the Spanish delegation wishes to congratulate Mr. Sean D. Murphy, for his first report on the matter, starting point of the four draft articles provisionally adopted by the International Law Commission in 2015, with commentaries. The quality of the texts adopted up until now foretells a good final result.</p> <p>...</p> <p>To this regard, the Spanish delegation considers that, following the steps of the aforementioned Convention on the Prevention and Punishment of the Crime of Genocide, the content of draft article 1 ("The present draft articles apply to the prevention and punishment of crimes against humanity") could be the title of the Draft Articles to be adopted by the Commission and later submitted to the United Nations General Assembly ("International Law Commission Draft articles on the prevention and punishment of crimes against humanity"). Draft article 1 could therefore be suppressed. Furthermore, its wording is not entirely satisfactory. It does not seem technically correct to state that the draft articles "apply" to the prevention and punishment of crimes against humanity, but it would rather be more suitable to say the draft articles "concern" the prevention and punishment of crimes against humanity.</p> <p>Regarding draft article 4, the content of paragraph 2 must be moved somewhere else, since stating that "No exceptional circumstances whatsoever ( ... ) may be invoked as a justification of crimes against humanity" has no relation with the heading of the draft article ('Obligation of prevention'), nor with paragraph's 1 object."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654995/spain-english-pdf">http://statements.unmeetings.org/media2/7654995/spain-english-pdf</a>
Sweden (on behalf of the Nordic countries)	Mr. Anders Ronquist	Wed. Nov. 4, 2015, 3:18-3:30PM	<p>"On the topic of Crimes against humanity we thank the Special Rapporteur Mr Sean D. Murphy for his first excellent report and the ILC for the first draft articles, which provide an encouraging basis for further work in the Commission on this important topic.</p> <p>First, we welcome the general approach of the Special Rapporteur to keep the definition of the crime in Article 7 of the Rome Statute as the material basis for any further work of the ILC on this topic.</p> <p>Second, we endorse the character of the topic as complementary to the Rome Statute system, ...</p> <p>Third, the Nordic countries strongly endorse the focus on the obligation of prevention. ...</p> <p>Finally, while welcoming development towards further recognition of a duty of prevention and obligations of interstate cooperation, the Nordic countries underline that no such obligations can be construed so as to limit either already existing, similar obligations vis-a-vis other crimes, or other already existing legal obligations in this field. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654716/sweden-on-behalf-of-the-nordic-countries.pdf">http://statements.unmeetings.org/media2/7654716/sweden-on-behalf-of-the-nordic-countries.pdf</a>
Switzerland	Delegation of Switzerland	Fri. Nov. 6, 2015, 3:25-3:30PM	<p>"Switzerland would also like to thank the International Law Commission and the Special Rapporteur on crimes against humanity for their work. Chapter VII of the report testifies to the care they have taken to comprehensively address the basic elements of a convention on crimes against humanity. It reflects their will to rely on the current state of international law, including customary law.</p> <p>...</p> <p>Switzerland is in favour of a concise convention that is as long as necessary and as short as possible. It welcomes that the four existing draft articles are based on the existing international legal framework. ... My delegation supports and highlights the following elements of the report: ...</p> <p>...</p> <p>Switzerland welcomes the planned programme of work, relating to a convention on crimes against humanity. ... It is the hope of my delegation that such a convention will help us ensure that persons who have committed crimes against humanity are prosecuted under national legislation, thereby also strengthening complementarity with the Rome Statute system.</p> <p>Sadly, serious crimes are still being committed on a daily basis in too many places in the world. A new convention on crimes against humanity might at least give hope of preventing the violations of tomorrow."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7654947/switzerland-eng-and-french-pdf">http://statements.unmeetings.org/media2/7654947/switzerland-eng-and-french-pdf</a>
Turkey	Statement by Turkey	Fri. Nov. 6, 2015, 5:25-5:33PM	<p>"Concerning the first report of the Special Rapporteur, Mr. Sean D. Murphy on "Crimes Against Humanity", we take note of his very detailed treatment of this subject. We have examined the report carefully and have questions on parts of the report, ...</p> <p>... we note that the definition of crimes against humanity contained in draft article 3, differs from the definition set forth in the Rome Statute on two points on which our delegation would welcome further clarification.</p> <p>First, paragraph 4 of draft Article 3 provides that "this draft article is without prejudice to any broader definition provided for in any international instrument or national law". ... given the purpose of the present exercise on Crimes Against Humanity, which is "the harmonization of national laws", we are doubtful that this particular paragraph serves the purpose of the undertaken exercise.</p> <p>Second, the last part of paragraph 1 (h), ... makes reference to the crime of genocide and war crimes. These crimes are not defined, nor is there any reference to the instruments containing such definitions in the present draft articles. We therefore believe that it would be useful to address this uncertainty."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7655013/turkey.pdf">http://statements.unmeetings.org/media2/7655013/turkey.pdf</a>

70th SESSION OF THE UNGA (2015)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
United Kingdom	Ms. Sherin Shefik	Mon. Nov. 9, 2015, 10:56-11:05AM	<p>"Turning to the topic of Crimes against humanity, the United Kingdom welcomes the Commission's further work on this issue.</p> <p>The United Kingdom acknowledges that there is currently no general multilateral framework governing crimes against humanity. We continue to see benefit in exploring how an extradite or prosecute regime in respect of such crimes could operate. The United Kingdom appreciates the careful consideration that the Special Rapporteur, the Commission and the Drafting Committee have given to the inter-relationship between their work and the Rome Statute. ... Any additional regime, would have to complement rather than compete with the Rome Statute. ... As work on this topic continues, the United Kingdom underlines that we would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity. Therefore, we would urge the Commission to keep the draft simple. ... In addition, the United Kingdom encourages the Commission to consider further the appropriate jurisdictional scope of the obligation of prevention under Article 4 and the rationale for this."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7655048/united-kingdom.pdf">http://statements.unmeetings.org/media2/7655048/united-kingdom.pdf</a>
United States of America	Mr. Todd Buchwald	Fri. Nov. 6, 2015, 3:47-3:52PM	<p>Mr. Chairman, on the topic of "crimes against humanity," the United States is following the Commission's work with great interest. Special Rapporteur Sean Murphy has brought tremendous value to bear in the Commission's work on this topic, including the difficult questions that this topic implicates.</p> <p>...</p> <p>... 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.</p> <p>As we have previously noted, this topic's importance is matched by the difficulty of some of the legal issues that it implicates, and we expect that under Sean Murphy's stewardship, these issues will continue to be thoroughly discussed and carefully considered in light of States' views as this process moves forward. We are continuing to study the ILC's work on this topic carefully, as it presents a number of complex issues, on which we are still developing our views. We are deeply grateful to Special Rapporteur Murphy and to the other members of the Commission for their work on a topic of such importance, and we eagerly look forward to their continued efforts."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7654972/united-states-of-america.pdf">http://statements.unmeetings.org/media2/7654972/united-states-of-america.pdf</a>

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NEUTRAL	10
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71st SESSION OF THE UNGA (2016)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Argentina	Delegation of Argentina	Wed. Nov. 2nd, 2016, 12:13-12:19PM	<p>"With regard to the project on crimes against humanity, I would like to commend the work of the Special Rapporteur, Sean Murphy, which allowed the submission of his second report (A / CN.4 / 690) and the adoption by the Commission of articles 5-10, including article 5, paragraph 7, on the liability of legal persons. The Republic of Argentina understands that, while the provisions of articles 5 to 10 are based on the background to other international instruments sanctioning international crimes, in particular the Rome Statute of the International Criminal Court, progress can be made in the development of this without running the risk of contradicting the agreements reached by the international community in this regard. In this regard, we note that the provisions of the articles adopted by the Commission at its last session are based on such instruments and on the experience of international tribunals.</p> <p>... Cooperation among all States is also essential in the investigation and prosecution of these crimes. In this regard, it is recalled that the Argentine Republic, together with Belgium, Slovenia and the Netherlands, is promoting an initiative for the adoption of a multilateral instrument of legal assistance and extradition for crimes against humanity, war crimes and genocide, to which all States are invited to accede."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663607/argentina.pdf">http://statements.unmeetings.org/media2/7663607/argentina.pdf</a>
Australia	Michael Bliss	Fri. Oct. 28th, 2016, 12:32-12:36PM	<p>"Australia welcomes the Commission's progress on the topic of crimes against humanity and the provisional adoption of four draft articles together with commentaries by the Commission. ... Australia thanks the Special Rapporteur, Mr Sean Murphy, for his leadership on this topic. We also thank the drafting Committee for its constructive engagement with the Special Rapporteur's proposals.</p> <p>Mr Chairman,</p> <p>We meet at a time at which the international community is grappling with a range of intense conflicts and situations in which crimes against humanity are a constant feature. Our objective must be to prevent, and to punish, such crimes. The ILC's work to clarify the elements of crimes against humanity is a crucial element of this endeavour. As we know, a legal framework for dealing with crimes against humanity exists in the Rome Statute of the International Criminal Court. Importantly, the Special Rapporteur has made clear that these draft articles seek not to replace or compete with this framework, but to complement it. The definition of 'crimes against humanity' is taken directly from the Rome Statute and the commentary to Article 1 underlines that the draft articles will avoid any conflicts with relevant existing treaties.</p> <p>Australia welcomes emphasis in the draft articles on the importance of the adoption of national laws and inter-State cooperation on the prevention of crimes against humanity.</p> <p>Australia considers that the Commission's work on this topic will contribute to our efforts to prevent and punish these crimes and encourage States to implement effective legislative, administrative, judicial or other preventive measures as envisaged by draft article 4.</p> <p>...</p> <p>Australia welcomes the Special Rapporteur's next tranche of work in this important area and efforts to achieve a first reading of the entire set of draft articles by 2018. We look forward to engaging with the Commission on the next six proposed draft articles ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663525/australia.pdf">http://statements.unmeetings.org/media2/7663525/australia.pdf</a>
Austria	Professor August Reinisch	Fri. Oct. 28th, 2016, 12:20-12:32PM	<p>"With regard to the topic "Crimes against humanity", the Austrian delegation commends the Special Rapporteur Sean Murphy for his second report on this topic ...</p> <p>The draft articles adopted provisionally this year by the Commission deal with some fundamental issues, such as jurisdiction and other matters that are of general significance. Although my delegation concurs with the majority of these draft articles, they nevertheless raise some points to be mentioned: ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663360/austria.pdf">http://statements.unmeetings.org/media2/7663360/austria.pdf</a>
Belarus	Not Stated	Fri. Oct. 28th, 2016, 4:39-4:43PM	<p>My delegation welcomed the results of the Commission's work on the subject of "Crimes against humanity." The draft is balanced and can make a valuable contribution to filling the legal gaps in this sphere, we see considerable merit of Mr. Sean Murphy, a special rapporteur on the issue. Of particular interest in this topic, as it is seen, it may be for those States which for some reason did not participate in the International Criminal Court.</p> <p>Crimes against humanity are categorically unacceptable and the Republic of Belarus welcomes the commitment of the international community to eradicate this flagrant violation of international law.</p> <p>...</p> <p>According to the draft articles comments would like to make the following suggestions. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663383/belarus-2-.pdf">http://statements.unmeetings.org/media2/7663383/belarus-2-.pdf</a>

71st SESSION OF THE UNGA (2016)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Brazil	Delegation of Brazil	Fri. Oct. 28th, 2016, 4:35-4:39PM	"Concerning the topic "crimes against humanity", Brazil concurs with the importance of including such crimes in domestic legislation and of promoting the harmonization of national legislation in this regard. A future convention could indeed be beneficial for facilitating much-needed judicial cooperation in this realm, ... As a proud founder of the International Criminal Court, Brazil believes that prominence should be given to the language already contained in the Rome Statute in this regard, ..."	Positive	<a href="http://statements.unmeetings.org/media2/7663380/brazil.pdf">http://statements.unmeetings.org/media2/7663380/brazil.pdf</a>
Chile	H.E. Ambassador Claudio Tronco	Fri. Oct. 28th, 2016, 12:44-1:04PM	"At this session, the Special Rapporteur, Mr. Sean Murphy, submitted his second report to the Commission. In addition, the Commission had before it the required memorandum to the Secretariat with information on conventional existing monitoring mechanisms that may be of relevance to the future work of the International Law Commission. ... We support unreservedly the wording of paragraph 3 of draft article 5 on command or other superior responsibility. ... ... Draft article 10 is of interest to us, in that it sets out guidelines for the fair treatment of alleged offenders and enshrines the internationally recognized standards of due process in this regard. In this section, we believe there should be mention of an issue which relates to matters under discussion here. This is the international initiative led by the Netherlands, together with Argentina, Belgium and Slovenia, to negotiate a multilateral treaty on mutual legal assistance and extradition for the domestic prosecution of crimes of genocide, crimes against humanity and war crimes. This initiative has garnered a great deal of support, including from my country, because it would be conducive to the formation of a universal legal framework that would positively influence the campaign against impunity for these serious international crimes. Accordingly, we believe that it would be useful to encourage dialogue on this issue between the Special Rapporteur, the International Law Commission and the coordinators of this initiative. We commend the work of the Special Rapporteur, Mr. Sean Murphy, and look forward to his third report."	Positive	<a href="http://statements.unmeetings.org/media2/7663369/chile-eng-.pdf">http://statements.unmeetings.org/media2/7663369/chile-eng-.pdf</a>
China	Mr. XU Hong	Thurs. Oct. 27th, 2016, 5:48-6:02PM	"On the topic of "crimes against humanity", the 68th session of the Commission deliberated on the second report submitted by Mr. Murphy, the Special Rapporteur, and adopted Draft Articles 5 to 10 and the commentaries thereto. The Chinese delegation thanks the Commission and the Special Rapporteur for the outstanding job done, and would like to make the following points: First, on the working method of the Commission. The Chinese delegation has noted that the ILC has set under this topic the objective of formulating an international convention specifically on crimes against humanity. But judging from the deliberations at the Sixth Committee last year, it is apparent that States have not reached a wide consensus on this point. The second report and the Draft Articles adopted by the Commission basically rely on analogous deduction primarily by sorting and summarizing relevant provisions in other international conventions on combating international crimes. This is not codification of the provisions related to crimes against humanity as found in existing laws, but proposing to draft a new law. ... in view of the complexity and sensitivity of the topic on crimes against humanity per se, the advisability of this working method is open to question. ..."	Negative	<a href="http://statements.unmeetings.org/media2/7663319/china-eng-.pdf">http://statements.unmeetings.org/media2/7663319/china-eng-.pdf</a>

71st SESSION OF THE UNGA (2016)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Croatia	H.E. Ambassador Andrej a Metelko-Zgornbic	Fri. Oct. 28th, 2016, 10:30-10:37AM	<p>"Let me - at the very outset - express Croatia's appreciation of the work of the Special Rapporteur Mr. Sean Murphy, as well for the efforts that the Secretariat has invested into preparing the memorandum on existing treaty-based mechanisms that may be of relevance to the future work of the International Law Commission on this topic.</p> <p>...</p> <p>Seventy years after World War II and twenty-five years after the events on the territory of the former Yugoslavia, and in spite of the continued commission of such atrocities around the globe, even as we speak, the international community still lacks a global legal instrument to prevent and punish crimes against humanity. As a country that experienced first-hand the commission of far too many acts that constitute crimes against humanity, Croatia staunchly supports all efforts aimed at developing such an instrument. Croatia also stands ready to actively contribute to this endeavour ...</p> <p>...</p> <p>While the sense of urgency has never been greater, crimes against humanity - at this point - remain the only core set of crimes within the jurisdiction of international criminal tribunals that do not have a dedicated convention. Croatia sees such a global treaty as part of our concerted efforts to prevent the commission of such heinous crimes and to punish the perpetrators. As we again congratulate the International Law Commission and Mr. Murphy on their efforts so far with respect to this crucial topic, we look forward to even more substantial developments in the year to come and express our readiness to assist in a way that the International Law Commission and Mr. Murphy deem desirable."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7663334/croatia.pdf">http://statements.unmeetings.org/media2/7663334/croatia.pdf</a>
Cuba	Delegation of Cuba	Thurs. Oct. 27th, 2016, 5:08-5:13PM	"In relation to theme VII "Crimes against humanity", Cuba is grateful for the drafting of the draft of 10 articles on a subject of such importance. We consider positive the return of the criminalization of the criminal figures that typify this crime to the national jurisdictions of the States."	Positive	<a href="http://statements.unmeetings.org/media2/7663313/cuba.pdf">http://statements.unmeetings.org/media2/7663313/cuba.pdf</a>
Czech Republic	Mr. Petr Válek	Thurs. Oct. 27th, 2016, 5:20-5:26PM	"As far as the topic "Crimes against humanity" is concerned, the Czech Republic welcomes the next set of draft articles on the topic "Crimes against humanity", provisionally adopted by the Commission, and would like to express its appreciation to the Commission and the Special Rapporteur, Professor Sean D. Murphy, for their outstanding contribution to this issue. ..."	Positive	<a href="http://statements.unmeetings.org/media2/7663316/czech-republic.pdf">http://statements.unmeetings.org/media2/7663316/czech-republic.pdf</a>
Egypt	Statement by Egypt	Wed. Oct. 26, 2016, 4:19 - 4:28PM	<p><b>***UNOFFICIAL TRANSLATION***</b></p> <p>"Regarding Crimes Against Humanity, the progress made by the committee is worthy to be praised. Hopefully, the committee efforts will result in a bill of treaty, which incriminates those acts nationally, enhances global cooperation to combat them, and boosts the process of holding perpetrator accountable. In this vein, Egypt supports the general approach, by which the committee inspired to draft the five clauses of the bill that has been temporarily approved throughout its course. Also, those clauses are in accordance with the treaty goals which planned to be formed. Keep in mind, there is a need for more dialogue and negotiation about controversial matters, such as immunities and legal persons responsibility with respect to crimes against humanity."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663223/egypt.pdf">http://statements.unmeetings.org/media2/7663223/egypt.pdf</a>
El Salvador	Delegation of El Salvador	Fri. Oct. 28th, 2016, 12:49-1:04PM	<p>"With regard to the topic of "Crimes of Humanity", we would like to thank Mr. Sean Murphy for the presentation of his second report and for the preparation of the respective draft articles with their comments, which reflect the significant achievements made.</p> <p>Since the decision to include this item on the Commission's agenda had been taken, our delegation stressed the importance of initiating the process for the development of a project exclusively for crimes against humanity, as it exists for other serious crimes such as genocide or war crimes.</p> <p>Although we know that the Rome Statute, which has recently been ratified by El Salvador, made a decisive contribution to determining the characteristics of this type of crime, we believe that an instrument of general scope on crimes against humanity had been a debt for many years; We therefore wish to reiterate our support for this agenda item and our willingness to collaborate with its good development. ... "</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663336/el-salvador.pdf">http://statements.unmeetings.org/media2/7663336/el-salvador.pdf</a>

71st SESSION OF THE UNGA (2016)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
France	Mr. François Alabrune	Mon. Oct. 24th, 2016, 12:29-12:50PM	<p>"On the subject of "Crimes against humanity", the French delegation thanks Mr. Sean Murphy for his second report and the important work accomplished since the topic had been included in the Commission's program two years ago.</p> <p>The proposed new draft articles appeared to be very detailed and precise, leaving States, in a number of situations, with a useful margin of appreciation.</p> <p>...</p> <p>The Rapporteur's draft contained a provision on the liability of legal persons. The French delegation had no objection to formulating on the principle of that provision. Even if it is not provided for by the Statute of the International Criminal Court, the liability of legal persons does indeed exist under French law. However, a certain procedural freedom should be left to the States to avoid abusive judicial proceedings.</p> <p>...</p> <p>With regard to the question of the universal jurisdiction of the national courts provided for in draft article 6, provision should also be made for a degree of procedural freedom. In particular, this would appear to be justified by the complexity of these infringements, by the difficulties that may be encountered by the courts in carrying out procedures and by the risks of conflicts of jurisdiction.</p> <p>Moreover, with regard to draft article 8, my delegation wondered, in particular, about the risk that the outcome of the current investigation or investigation might give rise to, the obligation to communicate conclusions of investigation to another State."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7662909/france.pdf">http://statements.unmeetings.org/media2/7662909/france.pdf</a>
Germany	H.E. Ambassador Dr. Michael Koch	Fri. Oct. 28th, 2016, 3:38-3:39PM	<p>"Germany welcomes the work of the ILC on this highly relevant topic. We thank Special Rapporteur Sean Murphy for his second report, which is based on broad and in-depth research. As a staunch supporter of international criminal law, Germany attaches great importance to the topic at hand. A possible Convention on Crimes against Humanity would not only complement treaty law on the core crimes, but might also foster inter-state cooperation regarding the investigation, prosecution and punishment of such criminal acts. A future convention ought to provide further impetus to our mutual aspirations to end impunity for atrocity crimes.</p> <p>Please allow me to make two remarks on the work at hand:</p> <p>First, as a founding member of the Rome Statute and an ardent supporter of the International Criminal Court, Germany welcomes the clear orientation towards the Rome Statute of the International Criminal Court. ...</p> <p>Second, we counsel against proposing any additional institutionalised mechanisms under the Convention as this would necessarily create space for different interpretations.</p> <p>We will continue to follow the work of the ILC on this issue with great interest."</p>	Strong Positive	<a href="http://statements.unmeetings.org/media2/7663387/germany.pdf">http://statements.unmeetings.org/media2/7663387/germany.pdf</a>
Greece	Maria Telalian	Fri. Oct. 28th, 2016, 10:09-10:26AM	<p>"Concerning the item "Crimes against humanity" Greece would like to express our appreciation the Special Rapporteur for his detailed and exhaustive second report on the topic. ...</p> <p>As we understand the intention of both the Rapporteur and the Commission is to elaborate and propose a draft Convention on the crimes against humanity and to do so in an expedited way.</p> <p>...</p> <p>From that point of view, we agree with the Rapporteur that the best approach is to take guidance from and to draw on standard provisions repeatedly used in widely ratified treaties dealing with other crimes. ...</p> <p>Turning to the Draft Articles provisionally adopted, we would like to state that, in general, we agree with the refinements made to their wording following the debate within the Commission:</p> <p>..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663327/greece.pdf">http://statements.unmeetings.org/media2/7663327/greece.pdf</a>

71st SESSION OF THE UNGA (2016)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Hungary	Dr. Réka Varga	Thurs. Oct. 27th, 2016, 5:33-5:42PM	<p>"Regarding Chapter VII (Crimes against humanity), the Hungarian delegation wishes to congratulate Special Rapporteur Sean D. Murphy for his detailed and comprehensive Second Report, ... By the provisional adoption of six additional draft articles (from 5 to 10, including paragraph 7 of Article 5 on the question of the liability of legal persons) together with commentaries thereto, the Commission has made enormous progress in the elaboration of a new convention in this field.</p> <p>Hungary agrees with the Chairman of the Commission that since crimes against humanity still occur in today's world, strong legal measures are needed to prevent such crimes and punish the perpetrators. Therefore Hungary supports the Commission's notion to formulate draft articles with the intention that it might ultimately form the basis of a convention. Such a convention, solely by its existence, would help fight impunity and would also reflect the strong determination of the international community in this regard.</p> <p>...</p> <p>Regarding the probably most thoroughly discussed part of the draft articles, namely paragraph 7 of article 5 on the responsibility of legal persons, my delegation fully accepts the fact that in order to achieve the object and purpose of the future convention, it is important to deal with the question of responsibility of legal persons. However, I have to highlight that Hungary, like many other states, does not recognize criminal liability of legal persons. ... Crimes against humanity are among the most serious international crimes which must be dealt with by criminal law. Measures of other nature, such as disbandment of organizations that were involved in the commission or ordering of commission of crimes against humanity, may also be important, however, such measures are adopted at the national level irrespective of the criminal, civil or administrative liability of legal persons as it is currently foreseen by the draft articles. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663318/hungary.pdf">http://statements.unmeetings.org/media2/7663318/hungary.pdf</a>
Iceland (on behalf of the Nordic countries)	Ambassador Helga Hauksdóttir	Thurs. Oct. 27th, 2016, 4:57-5:07PM	<p>"As far as the topic "Crimes against humanity" is concerned, we would like to thank the Special Rapporteur, Mr Sean D. Murphy, for the thorough work in his second report, and the ILC for the provisional adoption of six further articles. The Nordic countries attach great importance to the prevention and punishment of crimes against humanity and follow the ILC's work with keen interest. We endorse the consideration of this topic as complementary to the Rome Statute and the focus on action to be taken at the national level as well as on cooperation between States. While drawing attention to our earlier comments on the topic, this time we would like to comment a few specific issues related to the second report. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663312/nordic-countries.pdf">http://statements.unmeetings.org/media2/7663312/nordic-countries.pdf</a>
India	Dr. V.D. Sharma	Tues. Nov. 1st, 2016, 11:00-11:10AM	<p>"On the topic of Crimes against Humanity, we welcome the second report of the Special Rapporteur Professor Sean Murphy. It addresses various actions to be taken by States under their national laws with respect to crimes against humanity (CAH). ...</p> <p>We reiterate our position concerning this topic in general that, considering the existing international mechanisms, including the International Criminal Court, available to deal with the subject matter of this topic including the measures relating thereto which are suggested in the draft articles, there should be an in-depth study and a thorough discussion on the requirement of Commission's work on this topic. In our view, any work on this topic could lead to duplicating the efforts already undertaken in existing regimes."</p>	Negative	<a href="http://statements.unmeetings.org/media2/7663517/india.pdf">http://statements.unmeetings.org/media2/7663517/india.pdf</a>
Indonesia	Ambassador Ferry Adamhar	Tues. Nov. 1st, 2016, 10:50-11:00AM	<p>"On the work of Crimes against Humanity, I would like to thank Special Rapporteur Mr. Sean Murphy for his Second Report, as well as thanking the Secretariat for its deliberative and well-prepared memorandum.</p> <p>Indonesia takes note of the newly adopted four draft articles with its respective commentaries thereto ...</p> <p>...</p> <p>Indonesia will steadily continue to study the ILC's ten draft articles and its respective commentaries, to which we are still developing our views. And in light of the legal intricacies implicated by this topic, we encourage the Commission and the Special Rapporteur to cater its work with careful and comprehensive consideration taking into account states' views on this matter."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663523/indonesia.pdf">http://statements.unmeetings.org/media2/7663523/indonesia.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Ireland	Ms. Anne-Marie O'Sullivan	Tues. Nov. 1st, 2016, 10:22-10:29AM	"2. With regard to the topic of "Crimes against humanity", Ireland thanks the Special Rapporteur, Mr Sean Murphy, for his comprehensive second report on this topic, and the Drafting Committee for its careful consideration of draft articles 5, 6, 7, 8, 9 and 10. ... 7. As my delegation previously stated on the introduction to this topic, we do not wish to see the work of the Commission on this topic divert attention away from the international initiative towards the development of a Multilateral Treaty for Mutual Legal Assistance and Extradition in the Domestic Prosecution of Atrocity Crimes and we therefore welcome the Special Rapporteur's engagement with officials from the countries which initiated this project. ... "	Neutral	<a href="http://statements.unmeetings.org/media2/7663514/ireland.pdf">http://statements.unmeetings.org/media2/7663514/ireland.pdf</a>
Israel	Shoshi Reshef Mor	Fri. Oct. 28th, 2016, 10:26-10:30AM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work on the topic of "Crimes against Humanity". ... Israel believes that effective codification of the customary crimes against humanity would benefit the entire international community and therefore welcomes the process in this regard. However, such codification efforts also raise certain questions, which will need to be considered as the codification efforts advance. For example, Israel urges States to be cautious when considering the establishment of mechanisms for the enforcement of or adherence to such proposed treaty; these mechanisms could potentially be abused by states and other actors in order to advance political goals, rather than be utilized as a means to protect the rights of victims. ... The Government of Israel would be honored to contribute to the drafting process of the new proposed treaty, based on the experience gained during Israel's efforts to adopt domestic legislation addressing the prohibition of crimes against humanity under customary international law. ... "	Strong Positive	<a href="http://statements.unmeetings.org/media2/7663331/israel.pdf">http://statements.unmeetings.org/media2/7663331/israel.pdf</a>
Malaysia	Ms. Hartini Ramly	Fri. Oct. 28th, 2016, 4:07-4:21PM	"1. Malaysia records its gratitude to the Second Report on Crimes Against Humanity (A/CN.4/690) prepared by Mr. Sean D. Murphy, Special Rapporteur for the topic ... ... 6. Bearing in mind that there are already various multilateral treaties which addresses crimes against humanity, for example, the Rome Statute, Malaysia wishes to reiterate its concern that it is premature to conclude that the time is ripe for the adoption of new international instrument on the issue of crimes against humanity. ... "	Negative	<a href="http://statements.unmeetings.org/media2/7663382/malaysia.pdf">http://statements.unmeetings.org/media2/7663382/malaysia.pdf</a>
Mexico	Statement by the Delegation of Mexico	Fri. Oct. 28th, 2016, 3:18-3:33PM	"Mexico commends the International Law Commission for the work done over the past two years on crimes against humanity and for the provisional adoption of ten draft articles and their respective comments. We congratulate the Special Rapporteur, Mr. Sean Murphy, since his projects reflect in a structured and clear manner a deep investigation in the matter. ... We agree with the importance that this project does not duplicate, but complement, the obligations contained in existing treaties on international criminal law and human rights. The added value of this exercise would be the codification of a direct international obligation of States to establish and punish crimes against humanity and to provide mutual legal assistance and cooperation for their investigation and prosecution. ... We note with satisfaction that the references to forms of authorship and participation, the rejection of superior orders as exempt from liability and the non-enforceability of crimes follow the standards contained in the Rome Statute of the International Criminal Court. ... We believe that the decision to include an article on the liability of legal persons for the commission of crimes against humanity should be treated with caution and merited further reflection. ... We suggest that future work addresses issues such as the development of the content and scope of States' cooperation and legal assistance in investigating and prosecuting crimes against humanity, which could help fill existing gaps."	Positive	<a href="http://statements.unmeetings.org/media2/7663372/mexico.pdf">http://statements.unmeetings.org/media2/7663372/mexico.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Netherlands, The	Dr. Liesbeth Lijnzaad	Fri. Oct. 28th, 2016, 3:40-3:55PM	<p>"1. First of all I wish to congratulate and compliment the Special Rapporteur on Crimes against Humanity, Professor Sean Murphy, on the excellent work on the second report and the six additional draft articles regarding crimes against humanity. ...</p> <p>...</p> <p>6. Another matter of concern to us is that a convention on the prohibition of crimes against humanity should include provisions on mutual legal cooperation and assistance between states. Although Article 9 of the draft Articles reflects the obligation to prosecute or extradite, this obligation alone will not be sufficient to cover the ways in which states need to cooperate. Therefore, to ensure that it will be truly effective, we suggest specifically addressing additional manners of cooperation and assistance in the next report.</p> <p>7. In this respect I would also like to take this opportunity to again draw attention to the initiative to conclude a new multilateral treaty on Mutual Legal Assistance and Extradition for the domestic prosecution of the most serious international crimes. ... We are currently discussing when we will begin the negotiations for the actual treaty. We would welcome close cooperation between the ILC and the promoters of the initiative to improve legal cooperation in the area of combating the most serious international crimes."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663392/netherlands.pdf">http://statements.unmeetings.org/media2/7663392/netherlands.pdf</a>
Peru	Doctor Juan José Ruda Santolaria	Thurs. Nov. 3rd, 2016, 10:16-10:24AM	<p>"4. On the subject of "crimes against humanity", my delegation welcomes the work of the Special Rapporteur whose ultimate goal would be a possible future international convention on crimes against humanity.</p> <p>...</p> <p>6. In this regard, my delegation reaffirms that - since there is a legal framework for crimes against humanity (which is formed, inter alia, by several international conventions, as well as by the Statutes of various international courts and tribunals), it is important to emphasize that these draft articles do not seek to replace or compete with this legal framework, but to complement it, in particular with regard to the prevention and sanctions of crimes against humanity. ...</p> <p>7. Having said this, my delegation received with interest the second report of the Rapporteur, which included progress on aspects related to (i) The obligation of a State party to take the necessary measures to ensure that crimes against humanity constitute a criminal offense under national law; (ii) the obligation to take the necessary measures to establish the competence of the State party to exercise its jurisdiction over the offense; (iii) general investigations and cooperation to identify suspected offenders; iv) the exercise of national jurisdiction when the alleged offender is present; (V) the principle aut dedere aut iudicare; And (vi) the question of the fair treatment of the alleged offender."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663655/peru.pdf">http://statements.unmeetings.org/media2/7663655/peru.pdf</a>
Poland	Mr. Andrzej Misztal	Fri. Oct. 28th, 2016, 3:55-4:07PM	<p>"Poland commends Special Rapporteur Sean Murphy for his second report and welcomes adoption by the Commission of six new draft articles regarding the topic "Crimes against humanity". We are of the view that the preparation of draft articles on this topic is of particular importance. This endeavor can close the regulatory gap in combating the most heinous crimes under international law.</p> <p>Poland takes this opportunity to present several specific comments. ..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663374/poland.pdf">http://statements.unmeetings.org/media2/7663374/poland.pdf</a>
Portugal	Professor Patrícia Galvão Teles	Fri. Oct. 28th, 2016, 12:36-12:44PM	<p>"I would like to begin my commending the Special Rapporteur, Mr. Sean Murphy, for the detailed report presented this year. ...</p> <p>...</p> <p>... Portugal considers that the Commission must conduct its study on this subject with caution and resorting to the existing rules and practice so as to prevent entering into conflict with the existing legal framework dealing with crimes against humanity.</p> <p>...</p> <p>Overall, the draft articles presented this year constitute a good basis and the Commission should continue to look into solutions already adopted while drafting.</p> <p>...</p> <p>Portugal will continue following with the utmost interest the work of the Commission on this topic, namely in what regards the provisions on judicial cooperation, which can contribute to the fight against impunity and ensuring accountability where crimes against humanity are committed."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663366/portugal.pdf">http://statements.unmeetings.org/media2/7663366/portugal.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Romania	Mrs. Alina Orosan	Fri. Oct. 28th, 2016, 12:12-12:20PM	"The Romanian delegation would like to express its gratitude to the International Law Commission for the work on the topic of "crimes against humanity", which resulted in the provisional adoption of six new articles, and to its Special Rapporteur, Mr. Sean D. Murphy, for a very detailed report on the subject. ... Turning to the draft articles provisionally adopted at this session of the Commission, ... Having said that, I would like to emphasise that Romania will pay to consideration to the future work of the Commission on this very topic which we deem of particular importance for consolidating the international and national legal framework for combating the most serious crimes and fighting impunity."	Positive	<a href="http://statements.unmeetings.org/media2/7663342/romania.pdf">http://statements.unmeetings.org/media2/7663342/romania.pdf</a>
Russian Federation	Representative of the Russian Federation	Fri. Oct. 28th, 2016, 10:52-11:04AM	"We would like to thank the members of the Commission and its Special Rapporteur prof. Sean Murphy for their work on the draft convention on combating crimes against humanity. We would like to offer the following comments on the provisions of the draft. ... "	Positive	<a href="http://statements.unmeetings.org/media2/7663345/russia.pdf">http://statements.unmeetings.org/media2/7663345/russia.pdf</a>
Singapore	Mrs. Natalie Y. Morris-Sharma	Fri. Oct. 28th, 2016, 3:33-3:38PM	"My delegation thanks the International Law Commission for its report on the topics "Crimes against Humanity", ... We continue to follow all three topics with great interest."	Neutral	<a href="http://statements.unmeetings.org/media2/7663378/singapore.pdf">http://statements.unmeetings.org/media2/7663378/singapore.pdf</a>
Slovakia	Mr. Metod ŠPAČEK	Fri. Oct. 28th, 2016, 5:40PM	"Allow us to address first the topic Crimes against humanity. We commend Special Rapporteur Sean Murphy for his second report and for retaining the approach to the topic, which is overall satisfactory. We welcome provisional adoption of another 6 draft articles as well as commentaries thereto. ... The idea of criminal liability of legal persons, especially with respect to crimes against humanity, is indeed challenging. We will closely follow how this liability develops in further work. As specifically mentioned in the commentary, such type of liability is unknown in many countries, not even for the crimes against humanity. ... On the other hand, we do understand the merits behind. We fully support also all other draft articles, ... Once again I would like to express our endorsement of the work of Special Rapporteur and the Commission and our hopes that the further reports will keep the same approach and direction as those previous. Let me once again stress that the decision to handle the topic with a vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic, was the right and wise decision."	Strong Positive	<a href="http://statements.unmeetings.org/media2/7663394/slovakia.pdf">http://statements.unmeetings.org/media2/7663394/slovakia.pdf</a>
Slovenia	Mr. Borut Mahnič	Fri. Oct. 28th, 2016, 4:51-4:59PM	"With respect to Chapter VII: Crimes against humanity, Slovenia welcomes the six new draft Articles with commentaries thereto ... ... Given the number of states parties to the Rome Statute, which includes crimes against humanity, it is important that the work on this topic continues to proceed in a manner that is complementary to the system of the Rome Statute. ... Turning to the inclusion of paragraph 7 on the liability of legal persons for the commission of crimes against humanity, Slovenia recognizes and welcomes the progressive approach taken by the Commission. ... "	Positive	<a href="http://statements.unmeetings.org/media2/7663385/slovenia.pdf">http://statements.unmeetings.org/media2/7663385/slovenia.pdf</a>
Spain	PROF. JOSÉ MARTÍN y PÉREZ DE NANCLARES	Fri. Oct. 28th, 2016, 3:07-3:18PM	"As regards Chapter VII, dedicated to crimes against humanity, Spain would like, firstly, to congratulate Mr Sean D. Murphy on his second report, and the Commission on its draft articles and commentaries, which have been approved provisionally. We are aware of the inherent difficulty of this matter, of the wide variety of contentious issues that it raises, and of the internal divide that has occurred within the Commission. Even separating crimes against humanity from other crimes, such as genocide and war crimes, is a decision involving more than a few problems. ... In any case, generally speaking, we consider the new draft articles appropriate and balanced. Moreover, they follow the model of treaties concerning offences and crimes. My Delegation believes, nonetheless, that certain issues of enormous significance still need more in-depth analysis. I will mention, by way of example, military tribunals, amnesty, the liability of legal persons, extradition issues or States' margin of appreciation. We also have the impression that on a good number of occasions the reason why one option is chosen over another, when there are several legal possibilities, could be more clearly indicated. ... "	Neutral	<a href="http://statements.unmeetings.org/media2/7663371/spain-eng-.pdf">http://statements.unmeetings.org/media2/7663371/spain-eng-.pdf</a>

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Sudan	H.E. Mr. Omer Dahab Fadl Mohamed, Permanent Representative of the Republic of the Sudan to the United Nations	Fri. Oct. 28th, 2016, 12:01- 12:12 PM	<p>***UNOFFICIAL TRANSLATION***</p> <p>"I would like to inform my delegation that the second report by the special rapporteur regarding Crimes Against Humanity has been ratified including article 5 to 10 by the committee, and the committee conveyed the legal persons responsibility to the drafting commission. To that end, I would like to mention the following: If the purpose of such report is to solve multiple procedures that countries should follow within their domestic laws sphere regarding crimes against humanity, those countries must be granted their rights to exercise their judicial jurisdictions as a necessary recognition for those countries to exercise a sovereign right stated in the international canons, whether they are written or customary. Mentioning that this report is based upon texts, references, and heritage of the International Criminal Courts requires caution and carefulness. For instance, Nuremberg Court and Tokyo Court were for subjection of the defeated countries to the triumphed countries, so the underlying objective of these courts is retaliation within legal and just trials. And it has been the case where the nature of these courts is political and partial." ... "We realize the committee in the first draft, which the preparatory committee relied upon to establish the International Criminal Court, has tackled essential issues relating to 'trigger mechanism' the relation with the Security Council, and the option of acceptance of the court jurisdiction in appointed crimes. Unfortunately, the basic law published in 1998 has gone far from the proposal submitted by your honorable committee..."</p>	Negative	<a href="http://statements.unmeetings.org/media2/7663340/sudan.pdf">http://statements.unmeetings.org/media2/7663340/sudan.pdf</a>
Switzerland	Name not given	Thurs. Oct. 27th, 2016, 5:13-5:20PM	<p>"Switzerland would like to thank the International Law Commission and the Special Rapporteur on Crimes against Humanity for their work. The topics dealt with during the commission's 68th session concerned key articles of the future convention, ...</p> <p>...</p> <p>Switzerland views favourably the programme of work for a convention on crimes against humanity as proposed in the Second Report of the Special Rapporteur. The next set of draft articles would address such fundamental issues as mutual legal assistance and extradition. We are hopeful that the existing international legal framework will be duly taken into account in the work on those questions and that provisions for safeguarding the primacy of national jurisdictions will be included where appropriate. Finally, we welcome the rapporteur's recommendation that the Commission seek ways to avoid any conflicts with the terms of other agreements such as the Rome Statute, a matter that we consider indeed to be essential."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663314/switzerland.pdf">http://statements.unmeetings.org/media2/7663314/switzerland.pdf</a>
United Kingdom	Mr. Christopher Stephen	Thurs. Oct. 27th, 2016, 5:26-5:33PM	<p>"1. The United Kingdom welcomes the second report of the Special Rapporteur, Mr. Sean Murphy, on the topic of Crimes against humanity.</p> <p>2. The United Kingdom agrees that there is currently no general multilateral framework governing crimes against humanity. We continue to see benefit in exploring how an extradite or prosecute regime in respect of such crimes could operate.</p> <p>3. The United Kingdom appreciates the careful consideration that the Special Rapporteur, the Drafting Committee and the Commission as a whole have given to the inter-relationship between their work and the Rome Statute of the International Criminal Court. As we have previously emphasised, and as the Special Rapporteur and Commission clearly intend, a future convention on this subject will need to complement, rather than compete with, the Rome Statute by facilitating national prosecutions and thereby strengthening the complementarity provisions of the Rome Statute.</p> <p>4. As work on this topic continues, the United Kingdom underlines that it would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity. It is important that a future convention should be widely ratified, and the United Kingdom would therefore continue to urge the Commission to continue to keep the draft simple, along the model of earlier aut dedere aut iudicare conventions.</p> <p>5. Finally, the United Kingdom would urge the Commission to complete work on this topic as swiftly as possible."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663321/uk-kingdom-of-great-britain-2-.pdf">http://statements.unmeetings.org/media2/7663321/uk-kingdom-of-great-britain-2-.pdf</a>

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United States of America	Statement by the United States	Fri. Oct. 28th, 2016, 5:22PM	<p>"Mr. Chairman, the United States continues to follow with great interest the Commission's work on the topic of "crimes against humanity." Special Rapporteur Sean Murphy brings tremendous value to bear in the Commission's work on this topic, including the challenging questions that this topic raises.</p> <p>... Because crimes against humanity have been perpetrated in various places around the world, including by non-State actors, 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.</p> <p>... We are continuing to study the ILC' s ten draft articles and commentary on this topic carefully, as they present a number of complex issues, on which we are still developing our views. We are deeply grateful to Special Rapporteur Murphy and to the other members of the Commission for their work on a topic of such importance, and we eagerly look forward to their continued efforts."</p>	Neutral	<a href="http://statements.unmeetings.org/media2/7663391/us.pdf">http://statements.unmeetings.org/media2/7663391/us.pdf</a>
Viet Nam	Mr. Pham Ba Viet	Fri. Oct. 28th, 2016, 4:43-4:44PM	<p>"On this topic, we note with appreciation the works and efforts of the Special Rapporteur, Mr. Sean D. Murphy that have resulted in the provisional adoption of draft articles 1 through 4, and the second report for the consideration of articles 5 through 10.</p> <p>My delegation supports the drafting of a convention on crimes against humanity so as to fill in the gap that currently exists in the framework of international criminal, humanitarian, and human rights laws, and thereby address the issue of impunity.</p> <p>We are of the view that many of the provisions contained in draft articles 5 through 10 ... are reflective of customary international law.</p> <p>There is, however, a particular provision that deviates from such norms and practices, and is of concern to our delegation, which is the obligation to establish the liability of legal persons for offences referred to in the draft articles. ...</p> <p>Therefore, it is our view that the sanction against acts of legal persons should be dealt with by national laws of States and should be excluded from the draft articles."</p>	Positive	<a href="http://statements.unmeetings.org/media2/7663384/viet-nam.pdf">http://statements.unmeetings.org/media2/7663384/viet-nam.pdf</a>

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STRONG POSITIVE	4
POSITIVE	21
NEUTRAL	9
NEGATIVE	4
STRONG NEGATIVE	0

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Algeria	Statement by Algeria	Wed. Oct. 25, 2017, 3:46:35:53 PM	"Although we recognize that crimes against humanity constitute one of the most serious violations of international law, we consider that this topic should be carefully addressed bearing in mind the existence of legal framework dealing with various multilateral treaties relating to crimes against humanity. As far as the draft articles are concerned, we would like to make the following remarks: We note the absence of a provision on immunity, draft article 6 paragraph 5 imports the equivalent of Art 27 paragraph 1 from the Rome Statute pertaining to the irrelevance of a person's official position for purposes of substantive criminal responsibility in the context of allegations of the commission of crimes against humanity. In this regard, it must be clearly stated that the inclusion of this paragraph is "without prejudice" to the Commission's topic on immunity of state officials from foreign criminal jurisdiction. We note that draft article 12 on victims, witnesses and others, does not provide any definition of 'victims'. Therefore, some clarification needs to be provided in this regard. Paragraph 3 of article 12 is unclear on what the duty on the state to provide reparations and other remedies for victims entails. An additional point that we wish to make is with regard to the absence of a reference in the Draft articles to amnesties. Amnesty had been used by many States and proved to be an important tool to achieving peace. The Commission should be considering this important aspect by examining the numerous examples of amnesty laws."	Neutral	<a href="http://statements.unmeetings.org/media2/16154419/algeria.pdf">http://statements.unmeetings.org/media2/16154419/algeria.pdf</a>
Argentina	Statement by the Argentine Delegation	Wed. Nov. 01, 2017, 10:21-10:32 AM	*** UNOFFICIAL TRANSLATION*** "With regard to the project on crimes against humanity, I wish to commend the work of the Special Rapporteur, Sean Murphy, who allowed the presentation of his third report, and the adoption by the Commission of articles 1 to 17, and its remission for comments from the States until December 1, 2018...it is noted that, as long as articles 1 to 15 are based on the background in other international instruments that sanction international crimes, in particular the Rome Statute of the International Criminal Court, you can advance in the development of this subject without running the risk of contradicting the agreements reached by the international community in this respect. In this regard, we welcome that the provisions of the articles adopted by the Commission at its last session are based on those instruments and in the experience gathered in international tribunals. In particular, the consecration of principles such as the "aut dedere aut iudicare" or the one that prevents considering a crime against humanity as a political crime, for the purposes of an application for extradition. However, it should be noted that no provisions have been included that prevent the granting of amnesties or pardons for this type of crime." ... "In this regard, it is recalled that the Argentine Republic, together with Belgium, Slovenia, the Netherlands and Senegal, promotes an initiative for adoption of a multilateral instrument of legal assistance and extradition for Crimes against humanity, war crimes and genocide, to which we invite to adhere to all States. In this regard, we understand that this initiative is complementary, in those aspects in which it refers to crimes against humanity, of which proposed in the Special Rapporteur's draft and, consequently, both could co-exist as long as there is an adequate correlation between its provisions.	Positive	<a href="http://statements.unmeetings.org/media2/16154861/argentina.pdf">http://statements.unmeetings.org/media2/16154861/argentina.pdf</a>
Australia	Assistant-Secretary, International Legal Branch, Department of Foreign Affairs and Trade, Mr. Michael Bliss	Mon. Oct. 23, 2017, 11:42-11:46AM	*** UNOFFICIAL TRANSLATION*** "With regard to the project on crimes against humanity, I wish to commend the work of the Special Rapporteur, Sean Murphy, who allowed the presentation of his third report, and the adoption by the Commission of articles 1 to 17, and its remission for comments from the States until December 1, 2018...it is noted that, as long as articles 1 to 15 are based on the background in other international instruments that sanction international crimes, in particular the Rome Statute of the International Criminal Court, you can advance in the development of this subject without running the risk of contradicting the agreements reached by the international community in this respect. In this regard, we welcome that the provisions of the articles adopted by the Commission at its last session are based on those instruments and in the experience gathered in international tribunals. In particular, the consecration of principles such as the "aut dedere aut iudicare" or the one that prevents considering a crime against humanity as a political crime, for the purposes of an application for extradition. However, it should be noted that no provisions have been included that prevent the granting of amnesties or pardons for this type of crime." ... "In this regard, it is recalled that the Argentine Republic, together with Belgium, Slovenia, the Netherlands and Senegal, promotes an initiative for adoption of a multilateral instrument of legal assistance and extradition for Crimes against humanity, war crimes and genocide, to which we invite to adhere to all States. In this regard, we understand that this initiative is complementary, in those aspects in which it refers to crimes against humanity, of which proposed in the Special Rapporteur's draft and, consequently, both could co-exist as long as there is an adequate correlation between its provisions.	Positive	<a href="http://statements.unmeetings.org/media2/16154203/australia.pdf">http://statements.unmeetings.org/media2/16154203/australia.pdf</a>
Austria	Ambassador Helmut Tichy	Mon. Oct. 23, 2017, 11:31-11:41 AM	"...Austria commends the Special Rapporteur, Mr. Sean Murphy, for his extensive third report addressing such important issues as extradition, mutual legal assistance, monitoring mechanisms and dispute settlement." ... "Permit me nevertheless already now to turn to some specific comments regarding the new draft articles 11 to 15 and the annex. Concerning draft article 11 on the "Fair treatment of the alleged offender", Austria has doubts relating to the present drafting of para. 3 addressing the relationship between the rights of persons in prison, custody or detention and the laws and regulations of the state exercising its jurisdiction." ... "Concerning draft article 13 on "Extradition", Austria interprets para. 6 stating that "[e]xtradition shall be subject to the conditions provided for by the national law of the requested State" as allowing states to refuse the extradition of their own nationals if such refusal is required by their national law." ... "Finally, I would like to reiterate Austria's understanding that the term "international criminal courts" used in these draft articles includes also hybrid courts."	Positive	<a href="http://statements.unmeetings.org/media2/16154198/austria.pdf">http://statements.unmeetings.org/media2/16154198/austria.pdf</a>
Belarus	Delegation of Belarus	Wed. Oct. 25, 2017, 12:02-12:09 PM	***UNOFFICIAL TRANSLATION*** "The Belarusian delegation wants to express its gratitude to Mr. Sean Murphy for his work on the topic Crime against Humanity." ... "Undoubtedly, the project contributes to a progressive development of international law." ... "We believe the project's structure and context fit all necessary criteria to become a statute of a convention. This convention promotes three goals: 1) unification of national criminal law; 2) improving cooperation in this area; and 3) formation of unique approaches towards the different aspects of crimes against humanity: its subject, object, etc. One of the positive aspects of this project is its precise interpretation of the legal terminology. For example, there are detailed explanations of such legal categories, as "the obligation to prevent", "the obligation not to deport" and "criminalization according to national laws". There is a detailed list of measures which each state has to provide in its criminal law, including the non-acceptance of the statute of limitation for crimes against humanity." ...	Positive	<a href="http://statements.unmeetings.org/media2/16154382/belarus.pdf">http://statements.unmeetings.org/media2/16154382/belarus.pdf</a>
Brazil	Principle Legal Adviser of the Ministry of Foreign Affairs, Professor George Rodrigo Bandeira Galindo	Wed. Oct. 25, 2017, 3:35:34:6 PM	"Brazil welcomes the work undertaken by the Commission regarding the topic "crimes against humanity" and the adoption, on first reading, of a draft preamble, fifteen draft articles and a draft annex, as well as commentaries. The successful conclusion of the first reading marked a significant step towards a future convention. Such an instrument would be beneficial not only for promoting the harmonization of national legislation, but also for facilitating much-needed judicial cooperation in this realm. Brazil looks forward to submitting its full comments and observations in writing. At this stage, I just wish to make a comment on extradition - specifically on Article 13, paragraph 6. When establishing conditions for extradition, national legislations may require the commutation of certain penalties, especially the death penalty or life imprisonment. Brazil would welcome if the Commission exemplified, at least in the commentaries, different types of condition in national legislations that do not necessarily imply the refusal of an extradition request."	Positive	<a href="http://statements.unmeetings.org/media2/16154415/brazil.pdf">http://statements.unmeetings.org/media2/16154415/brazil.pdf</a>
Bulgaria	Head of "International Law and Law of the EU," Directorate Ministry of Foreign Affairs, Mr. Danail Chakarov	Thur. Oct. 26, 2017, 3:24:3:28 PM	"On the topic of "Crimes against humanity", we would like to congratulate the Special Rapporteur, Prof. Sean Murphy, and the Drafting Committee of the ILC for their excellent work addressing a number of situations around the world involving both state and non-state actors and concerning systematic attacks on the civilian population. We are very pleased in particular with the special focus given on victims and other affected persons. Their concerns and search for retribution are the main drivers for the creation and reform of systems worldwide." ... "It is our understanding that the presented draft articles on crimes against humanity are well structured, they prescribe needed remedies and fills in the gaps in the current state of the international criminal system. We invite all countries to consider this topic in more detail, taking into account that it has been in the long-term program of the UN for quite some time now."	Positive	<a href="http://statements.unmeetings.org/media2/16154551/bulgaria.pdf">http://statements.unmeetings.org/media2/16154551/bulgaria.pdf</a>

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Chile	Legal Adviser of the Chilean Foreign Ministry, Ambassador Claudio Troncoso Repetto	Tues. Oct. 24, 2017, 12:37-12:50 PM	"Finally, in the area of international cooperation relating to crimes against humanity, we wish to highlight the initiative of pushing ahead with a multilateral treaty of universal scope, on mutual legal assistance and extradition, for the domestic prosecution of the most serious international crimes, as promoted by Argentina, Belgium, the Netherlands, Senegal and Slovenia. This initiative is endorsed by our country, along with other States, and we believe that a dialogue should be launched between the sponsors of this initiative and the Special Rapporteur. We commend the work of the Special Rapporteur, Mr. Sean Murphy, and we look forward to a detailed analysis of the draft adopted at first reading, with a view to providing our comments during the coming year."	Positive	<a href="http://statements.unmeetings.org/media2/16154306/chile.pdf">http://statements.unmeetings.org/media2/16154306/chile.pdf</a>
China	Director-General of the Department of Treaty and Law of the Ministry of Foreign Affairs of China, Mr. XU Hong	Mon. Oct. 23, 2017, 12:11-12:17 PM	"My delegation appreciates the efforts of the Commission and the Special Rapporteur on this topic. In terms of the overall direction of the topic, China endorses the importance accorded to the prevention and punishment of crimes against humanity. We would like to make the following comments on the draft articles as contained in the report. First, many provisions of the draft articles lack empirical analysis." ... "We are of the view that since "peremptory norms of general international law ( <i>jus cogens</i> )" is an ongoing topic of the Commission, and the practice and <i>opinio juris</i> of States concerning such important issues as the identification and effects of <i>jus cogens</i> remain unclear in some aspects, the need for the draft articles to address the issue of <i>jus cogens</i> character warrants further studies." ... "with respect to the definition of crimes against humanity as contained in draft article 2, and the detachment of the traditional element of "committed in time of armed conflict" from the said crimes in draft article 3, we reiterate our reservation expressed at previous sessions." ... "The attached commentary falls short of being convincing about the likelihood of actual participation of legal persons in the proscribed acts, and the necessity for criminalization under domestic law. This issue is better left to the autonomous decision of States."	Negative	<a href="http://statements.unmeetings.org/media2/16154538/china-e-pdf">http://statements.unmeetings.org/media2/16154538/china-e-pdf</a>
Council of Europe	Head of the Public International Law and Treaty Office Division of the Council of Europe, Ms. Marta Requena	Thurs. Oct. 26, 2017, 3:49-3:59 PM	"The Council of Europe welcomes the work of the ILC in this field and supports the initiative of addressing various actions to be taken by States under their national laws with respect to crimes against humanity." ... "With regard to the Third Report of the Special Rapporteur, we would like to confine our comments to two issues: First, to the issue of "Victims, witnesses and other affected persons" handled under Chapter IV of the Report proposing Draft Article 14, and, secondly, to the issue of "Monitoring mechanisms and dispute settlement" dealt with under Chapter VII of the Third Report." ...	Positive	<a href="http://statements.unmeetings.org/media2/16154558/council-of-europe.pdf">http://statements.unmeetings.org/media2/16154558/council-of-europe.pdf</a>
Croatia	Director-General for International Law, Ministry of Foreign and European Affairs, Mr. Toma Galil	Wed. Oct. 25, 2017, 11:16-11:26 AM	"Croatia strongly supports the work of the Commission under the topic of "Crimes against Humanity" and welcomes the efforts aimed at developing a global international instrument for the prevention, prosecution and punishment of these crimes, having - at the same time - in mind, existing international initiatives in this field. We thank Mr. Sean Murphy and the Commission for their thorough and dedicated work on this important subject and transmission of the draft Articles for comments and observations. Croatia will carefully consider the draft Articles and provide the Commission with further detailed observations within the requested deadline."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154362/croatia.pdf">http://statements.unmeetings.org/media2/16154362/croatia.pdf</a>
Cuba	Delegation of Cuba	Wed. Oct. 25, 2017, 4:13-4:19 PM	"**UNOFFICIAL TRANSLATION**" "With regard to the draft articles on crimes against humanity considers that it would be very important to have a specific instrument, of a binding nature, for the prevention, sanction and international cooperation for the acts that typify the crime against humanity." ... "About the draft article 5 although we are agreement on the non-return, delivery or extradition of a person when there are reasons to believe that it can be the object of a crime against humanity in that other territory, we want to highlight the need that in section 2 of that article it should be delete the reference that "all relevant considerations" and replace it with "evidence or evidence relevant" in order to avoid subjective considerations without real foundation. Regarding Article 6, we consider it important to maintain the cardinal elements for the determination of criminal responsibility, such as the effective control of the military leader; as well as the no prescription of this crime. However, we consider that requires more study and a clearer wording in the text about the responsibility of legal persons." ... "This delegation welcomes the drafting of the draft Article 12 to guarantee the protection of victims, witnesses and other people so that they can contribute to the information necessary for the investigation, prosecution or extradition of the person." ... "Article 14 regulates reciprocal judicial assistance, being a important project to obtain the necessary evidences as well as for the location of the offenders."	Positive	<a href="http://statements.unmeetings.org/media2/16154442/cuba.pdf">http://statements.unmeetings.org/media2/16154442/cuba.pdf</a>
Czech Republic	Deputy Minister for Legal and Consular Affairs, Ministry of Foreign Affairs, Mr. Martin Smolek	Wed. Oct. 25, 2017, 10:47-10:57 AM	"...the Czech Republic would like to express its sincere appreciation to the Commission and the Special Rapporteur, Professor Sean D. Murphy, for his outstanding work on this topic and for the adoption, on first reading, of the whole set of draft articles with commentaries." ... "The set of draft articles as a whole will be submitted to the states for their written comments and the Czech Republic will provide such detailed comments in due course. However, already at this stage, we would like to express our general support for the elaboration of a convention regarding prevention, prosecution and interstate cooperation with respect to crimes against humanity."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154352/czech-republic.pdf">http://statements.unmeetings.org/media2/16154352/czech-republic.pdf</a>
El Salvador	Statement by the Republic of El Salvador	Tues. Oct. 24, 2017, 10:57-11:10 AM	"**UNOFFICIAL TRANSLATION**" "With regard to the theme "Crimes of Humanity", we wish to express our thanks to Mr. Sean Murphy for the presentation of his third report and for the elaboration of the projects of articles that reflect significant advances..." ... "Our delegation stressed the importance of initiating the process aimed at elaboration of a project exclusively for crimes against humanity. In particular, the Republic of El Salvador considers that these international crimes constitute acts of gravity that denote a sense of cruelty to the human existence; for this reason, we reiterate our support for this agenda item and our willingness to collaborate with your good development." ... "...my delegation wishes to refer to the draft article 5 called "criminalization in national law". In this regard, we note with satisfaction the need to regulate the obligation of some of the States, to typify this type of crimes in the internal environment. On the other hand, on paragraph 2 of the referred draft article, we warn that between the measures contemplated to regulate the different forms of criminal intervention, they only meet: the commission; the attempt; and, the fact of ordering, instigating, inducing, help, be an accomplice or collaborate; so, we continue to observe that it is not incorporated in this regulation..."	Positive	<a href="http://statements.unmeetings.org/media2/16154285/el-salvador.pdf">http://statements.unmeetings.org/media2/16154285/el-salvador.pdf</a>
El Salvador (on behalf of CELAC)	Statement by the Permanent Mission of El Salvador to the United Nations	Mon. Oct. 23, 2017, 11:04-11:11 AM	"CELAC welcomes the work done by the Commission during its last session and takes note of the draft articles adopted under the following themes: 1) Crimes against Humanity, at first reading, the fifteen draft articles, their respective annexes and preambular paragraphs, including the recognition attributed to the prohibition of Crimes against Humanity as a peremptory norm of general international law..."	Positive	<a href="http://statements.unmeetings.org/media2/16154190/el-salvador-on-behalf-of-celac.pdf">http://statements.unmeetings.org/media2/16154190/el-salvador-on-behalf-of-celac.pdf</a>
Estonia	Statement of the Republic of Estonia	Wed. Oct. 25, 2017, 12:42-12:46 PM	"... Estonia warmly welcomes the work and the significant achievements made by the Commission on this highly relevant topic. We thank Special Rapporteur Mr. Sean Murphy for his detailed and comprehensive third report and for the preparation of the respective draft articles with their comments, which represents an important step towards the future convention for crimes against humanity." ... "Estonia welcomes the formulations of these draft articles that we consider appropriate and well balanced." □	Positive	<a href="http://statements.unmeetings.org/media2/16154398/estonia.pdf">http://statements.unmeetings.org/media2/16154398/estonia.pdf</a>
France	Legal Affairs Director, French Ministry for Europe and Foreign Affairs, Mr. François Alabrune	Mon. Oct. 23, 2017, 12:18-12:32 PM	"I would particularly like to commend the adoption after the first reading of the draft articles on "Crimes against humanity". France will submit detailed observations on this topic to the Commission before 1 December 2018."	Positive	<a href="http://statements.unmeetings.org/media2/16154215/france-e-pdf">http://statements.unmeetings.org/media2/16154215/france-e-pdf</a>
Greece	Legal Adviser, Head of the Legal Department, Ministry of Foreign Affairs, Ms. Maria Telalian	Tues. Oct. 24, 2017, 11:30-11:42 AM	"At the outset I wish to commend on behalf of my delegation the Special Rapporteur, Mr. Sean Murphy, for his detailed and exhaustive Third report on this topic as well as the Commission for the adoption, on first reading, of a full set of Draft Articles on Crimes against Humanity." ... "We note with interest that the Commission decided to include a Draft Article on the principle of non-refoulement... This inclusion, however, has to be studied also in the light of the already well-established and comprehensive obligations of States regarding the principle of non-refoulement deriving either from major international conventions or the case-law of regional and international judicial or quasi-judicial bodies." ... "We also consider it appropriate to recall in this respect the current initiative aiming at negotiating an international instrument dealing exclusively with issues of extradition and mutual legal assistance in relation not only to crimes against humanity but also to other core crimes under international law."	Neutral	<a href="http://statements.unmeetings.org/media2/16154294/greece.pdf">http://statements.unmeetings.org/media2/16154294/greece.pdf</a>

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Hungary	Legal Adviser, Head of International Law Department, Ministry of Foreign Affairs and Trade, Dr. Réka Varga	Tues. Oct. 24, 2017, 12:15-12:21 PM	"Regarding <b>Chapter IV (Crimes against humanity)</b> of the Report, the Hungarian delegation wishes to commend Special Rapporteur Sean Murphy for his detailed and comprehensive Third Report. By the provisional adoption of seven draft articles and a draft preamble, the Commission has made enormous progress in the elaboration of a new convention in this field. Hungary agrees with the Chairman of the Commission that strong legal measures are needed to prevent crimes against humanity and to punish the perpetrators. Therefore, Hungary supports the Commission's concept to draw further attention to the need for prevention and punishment." ... "Considering that participation of victims and witnesses in any criminal procedure is crucial for the effectiveness of such procedures, Hungary welcomes the introduction of this article." ... "Hungary welcomes the extended provisions on extradition and mutual legal assistance in the draft articles."	Positive	<a href="http://statements.unmeetings.org/media2/16155219/ilc_statement_hungary.pdf">http://statements.unmeetings.org/media2/16155219/ilc_statement_hungary.pdf</a>
India	Joint Secretary (Legal and Treaties), Ministry of External Affairs, Dr. V.D. Sharma	Tues. Oct. 24, 2017, 10:35-10:42 AM	"We would like to register our appreciation for the Special Rapporteur, Mr. Sean D. Murphy for his Third Report on the topic, 'Crimes against humanity.' ... "...we reiterate our position concerning this topic in general that, considering the existing international mechanisms, including the International Criminal Court, available to deal with the subject matter of this topic including the measures relating thereto which are suggested in the draft articles, the necessity of Commission's work on this topic is still not clear. In our view, any work on this topic could lead to duplicating the efforts already undertaken in the existing regimes."	Negative	<a href="http://statements.unmeetings.org/media2/16154296/india.pdf">http://statements.unmeetings.org/media2/16154296/india.pdf</a>
Indonesia	Delegation of the Republic of Indonesia	Wed. Oct. 25, 2017, 3:25:34 PM	"On the work of Crimes against Humanity, I would like to thank Special Rapporteur Mr. Sean Murphy for his Third Report, and express appreciation for his excellent work to bring to a successful conclusion the first reading of the draft articles on crimes against humanity, including the commentaries." ... "Turning to the substantive part of the draft articles, my delegation appreciates that the draft covers both prevention and punishment of crimes against humanity. The prevention aspect undeniably plays a pivotal role in ensuring that a country is well-equipped, in all aspects, to prevent the commission of the crime and ensuring that should the crime occur, all the necessary tools are in place." ... "...we suggest that in addressing the preventive measures, the draft shall be more specific and prescriptive, elaborating on all aspect of relevant preventive measures."	Positive	<a href="http://statements.unmeetings.org/media2/16154407/indonesia.pdf">http://statements.unmeetings.org/media2/16154407/indonesia.pdf</a>
Iran	H.E. Mr. Abbas Bagherpour Ardekani	Wed. Oct. 25, 2017, 11:38-11:54 AM	"In sum and based on the points just alluded, we are not convinced, at this juncture, by the idea of a new convention on crimes against humanity. It goes without saying that the deficiency in implementing the present instruments on the matter would not be resolved with codification of the same provisions in a new instrument or even expanding the concept and changing its nature and scope of application. Accordingly, we recommend the Commission to opt for "draft guidelines" as a proper form for the final outcome of the work."	Strong Negative	<a href="http://statements.unmeetings.org/media2/16154374/iran-islamic-republic-of-.pdf">http://statements.unmeetings.org/media2/16154374/iran-islamic-republic-of-.pdf</a>
Ireland	Assistant Legal Adviser, Department of Foreign Affairs and Trade, Ms. Anne-Marie O'Sullivan	Wed. Oct. 25, 2017, 12:37-12:42 PM	"Ireland wishes to congratulate the Commission and the Special Rapporteur, Mr Sean D. Murphy, on the successful conclusion of its first reading of the draft articles on crimes against humanity and the commentaries thereto. We would like to commend the significant contribution of Mr Murphy to this topic which has seen the provisional adoption of a full set of draft Articles in three years. Ireland notes that a preparatory conference took place in the Netherlands last week on a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the most serious international crimes. As my Delegation said in its statement delivered at the Seventy-First Session last year, it is important that the Commission continues to communicate with the Convening States of this initiative as they progress work on this proposed new instrument, to guard against any potential fragmentation in this area of law."	Positive	<a href="http://statements.unmeetings.org/media2/16154394/ireland.pdf">http://statements.unmeetings.org/media2/16154394/ireland.pdf</a>
Israel	Ministry of Foreign Affairs, Mr. Batzion BenDavid Geistman	Wed. Oct. 25, 2017, 10:13-10:20 AM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of " <b>Crimes against Humanity</b> ". ... "The state of Israel believes in the importance of achieving universality in accession and adherence to a future treaty on crimes against humanity. It is with this vital goal in mind that it stresses the importance of remaining in line with customary international law when codifying these crimes and their definitions." ... "Israel highly values the particular attention given in the ILC's commentary to crimes against humanity committed by non-State actors." ... "We will continue to study the ILC's draft articles and commentary on this topic and would be honored to contribute and share comments and observations based on the experience gained during Israel's efforts to adopt domestic legislation addressing the prohibition of crimes against humanity under customary international law."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154337/israel.pdf">http://statements.unmeetings.org/media2/16154337/israel.pdf</a>
Italy	Head of the Service for Legal Affairs of the Italian Republic, Min. Plen. Andrea Tiriticco	Mon. Oct. 23, 2017, 12:33-12:50 PM	"Italy wishes to congratulate the ILC and, in particular, the Special Rapporteur Sean Murphy for the progress made on the topic "crimes against humanity" and for the results achieved." ... "...we wish to reiterate our support for the work of the Commission and for the general thrust of the draft articles on crimes against humanity. At the same time, we wish to add a few remarks on three specific points. The first point relates to the need, that Italy has consistently stressed, to avoid any conflict between the draft articles on crimes against humanity and the rights and obligations of States with respect to competent international criminal tribunals...Italy's second remark at this stage concerns the question of protection of the rights of the alleged offender...Thirdly, and without prejudice for the specific written comments that Italy may submit in accordance with the request of the Commission, Italy welcomes the rather detailed provisions concerning extradition and mutual assistance that are contained in the draft articles."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154218/italy.pdf">http://statements.unmeetings.org/media2/16154218/italy.pdf</a>
Japan	Statement by Representative of Japan	Wed. Oct. 25, 2017, 12:30-12:36 PM	"Japan acknowledges the importance of the work initiated by the Special Rapporteur, Mr. Sean Murphy, in drafting articles on "Crimes against humanity", which is one of the remaining issues in the fight against impunity." ... "However, there were different views among members of the Commission about the inclusion of the provision on immunity. After the discussion, the provision on the irrelevance of official capacity was included in paragraph 5 of draft article 6, while the question of immunity had not been addressed in the draft articles. We will closely follow future discussions on how to maintain consistency between these provisions and the ICC regime. We sincerely hope that the Commission will continue deliberation on this topic in a balanced and constructive manner, taking into account the relationship with existing regimes, including the ICC among others."	Neutral	<a href="http://statements.unmeetings.org/media2/16154391/japan.pdf">http://statements.unmeetings.org/media2/16154391/japan.pdf</a>
Jordan	Secretary Thani Yazan Bzadok	Thurs. Oct. 26, 2017, 3:39-3:43 PM	" <b>***UNOFFICIAL TRANSLATION***</b> "My delegation generally supports the proposed texts relating to crimes against humanity, which will have a significant impact on the protection of the lives of millions of people exposed to such crimes, as well as a key step towards ending impunity." ... "My country's delegation stressed that the draft convention does not conflict with the Rome Statute...which supports it in accordance with its provisions and allows States parties to implement their obligations under the law." ... "Mr president My delegation supports the text of article VI of the draft articles." ... "We also support the principle of the obligation to extradite and prosecute, which is set out in Article 10...We also stress on the importance of protecting the witnesses and victims, which is mandated by Article 12...Jordan strongly supports providing monetary and emotional reforms toward victims of crimes against humanity, and here we propose obliging states to establish a fund for this purpose." ... "Jordan's perspective on the proposed text of article 5 on the inadmissibility of forced eviction is that this provision does not deprive the state of the right to return people to areas in a country witnessing armed conflict as long as the area is safe and stable so that there is no real threat to the returned person...In addition, Jordan supports the proposal contained in article 13 of the draft articles in terms of principle. It is proposed here to add a phrase in the fourth paragraph obliging States to conclude extradition treaties. ..."	Positive	<a href="http://statements.unmeetings.org/media2/16154556/jordan.pdf">http://statements.unmeetings.org/media2/16154556/jordan.pdf</a>
Malawi	Ambassador/Permanent Representative of the Republic of Malawi, Mr. Necton Mhura	Wed. Nov. 01, 2017, 12:56-1:02 PM	"On the draft articles on Crimes against humanity, my delegation takes note of the articles and expresses appreciation to the Special Rapporteur for the work on this topic. My delegation wishes to urge the Commission to further study the articles on victims' right to get reparations. The issue that merits further consideration under this draft article 12 is the extent to which States will bear the burden of reparations, regard being had to the difficulties that may be associated with the discharge of that burden. My delegation is cognisant of the opportunity to give written comments by 1 December 2018 and will do so by that date so that practice of states in this area forms the basis for the articles."	Neutral	<a href="http://statements.unmeetings.org/media2/16154908/malawi.pdf">http://statements.unmeetings.org/media2/16154908/malawi.pdf</a>

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Mexico	Statement by Mexico	Mon. Oct. 23, 2017, 12:01-12:10 PM	<p>***UNOFFICIAL TRANSLATION***</p> <p>"Mexico congratulates and thanks Special Rapporteur, Mr. Sean Murphy, and the International Law Commission, for adopting at first reading the fifteen draft articles on crimes against humanity, together with its preamble, annex and comments. The project is clear in its structure and meticulous in the legal foundation of your proposals." ... "We agree on the relevance of the fundamental concepts of international criminal law resumed in the draft preamble, particularly the emphasis in the primary responsibility that States have to investigate and prosecute these crimes, the importance of prevention and recognition of the character <i>jus cogens</i> of the prohibition of them. We estimate that the draft article 5 on the non-return of a person to a State when there are well-founded reasons to believe that it will be in danger of being a victim of a crime of humankind is right..." ... "We welcome the focus of draft article 12, which recognizes the rights of the victims..." ... "The draft articles 13 and 14 of this set, related to the extradition and to reciprocal judicial assistance, and its corresponding annex, are a useful base to facilitate the procedures..." ... "Finally, I would like to reiterate two concerns of my delegation in relation to the draft articles as a whole: First, we consider it necessary to review the comment to the draft article 3 so that it reflects in a more balanced way...Second, we reiterate that the inclusion of criminal responsibility of legal persons, in the draft article 6, by the commission of crimes against humanity must be treated with caution and merits further reflection..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/16154211/mexico.pdf">http://statements.unmeetings.org/media2/16154211/mexico.pdf</a>
Mozambique	H.E. António Gumende	Thurs. Oct. 26, 2017, 3:18-3:23 PM	"Mozambique welcomes the Commission's extensive work on the topic of crimes against humanity and would like to offer some views...Mozambique is determined to cooperate and to lend its full support to the current world movement for preventing and combating crimes against humanity, in order to put an end to the impunity of perpetrators of those crimes and thus contribute to a better world of peace and security."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154549/mozambique.pdf">http://statements.unmeetings.org/media2/16154549/mozambique.pdf</a>
Netherlands, The	Legal Adviser, Ministry of Foreign Affairs, Dr. René Lefebber	Wed. Oct. 25, 2017, 10:58-11:15 AM	"My government would like to congratulate the Commission on the successful conclusion of its first reading of the draft Articles on Crimes Against Humanity, and extend its compliments to the Special Rapporteur on Crimes against Humanity, Professor Sean Murphy, for all he has done to enable the swift and successful completion of the first phase of the work on this topic." ... "I am pleased to note that the current draft brings us closer to the objectives identified in 2013." ... "...please allow me to recall the joint Initiative led by Argentina, Belgium, the Netherlands, Slovenia and Senegal for a new treaty on mutual legal assistance and extradition, which would cover the crimes of genocide, war crimes as well as crimes against humanity (a.k.a. the MLA Initiative)." ... "Although there are convergent qualities between the MLA initiative and the ILC's ongoing work on crimes against humanity, there are also important differences, notably regarding the envisaged scope of application. We therefore consider that both initiatives are complementary, and that they can co-exist and be developed side by side."	Positive	<a href="http://statements.unmeetings.org/media2/16154353/netherlands.pdf">http://statements.unmeetings.org/media2/16154353/netherlands.pdf</a>
New Zealand	International Legal Adviser, Ms. Victoria Hallum	Wed. Oct. 25, 2017, 11:55 AM-12:01 PM	"New Zealand acknowledges the work of Mr Sean D Murphy as Special Rapporteur for the topic of crimes against humanity, enabling the successful conclusion of the Commission's first reading of the draft articles on crimes against humanity. We congratulate the thorough analysis and thinking that went into these draft articles as evidenced by the comprehensive commentary provided. The Commission's work in this area presents an opportunity to address a gap in the international legal framework." ... "New Zealand notes with interest the inclusion of new draft article 5 extending the principle of non-refoulement to persons where there are substantial grounds for believing that person may be subjected to a crime against humanity. We look forward to hearing more about the views of other states on this issue."	Positive	<a href="http://statements.unmeetings.org/media2/16154379/new-zealand.pdf">http://statements.unmeetings.org/media2/16154379/new-zealand.pdf</a>
Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Wed. Oct. 25, 2017, 11:27-11:32 AM	<p>***UNOFFICIAL TRANSLATION***</p> <p>"In particular, the Republic of Paraguay welcomes the Third Report submitted by the Special Rapporteur...and congratulates Mr. Sean D. Murphy in that capacity, for the important efforts made to make this issue continue in the debate." ... "In relation to the draft articles presented by the International Law Commission, this delegation supports the idea that this draft articles can take the form of a legally binding instrument and considers that its approval in the current framework of International Law...my delegation believes that this draft of articles should establish mechanisms for cooperation among States. It is also important to note that this draft article is compatible with the Rome Statute and that will contribute to the application of the principle of complementarity provided in said instrument." ... "In this regard, my country encourages Governments, international organizations and others interested parties that have not done so, to formulate their comments and observations on the draft articles in order to enrich the discussions on the subject and make votes because the works conclude successfully."</p>	Positive	<a href="http://statements.unmeetings.org/media2/16154368/paraguay.pdf">http://statements.unmeetings.org/media2/16154368/paraguay.pdf</a>
Peru	Ambassador Gustavo Meza-Cuadra Velasquez	Tues. Oct. 24, 2017, 10:25-10:34 AM	<p>***UNOFFICIAL TRANSLATION***</p> <p>"Regarding the draft articles on "crimes against humanity" approved at first reading and with comments (Chapter IV of the Report), my delegation would like first of all to congratulate the hard work of the Special Rapporteur, Mr. Sean Murphy...Peru supports a future Convention for the prevention and punishment of crimes against humanity..." ... "For the rest, my delegation, which still evaluates the various scopes of the project of articles, is pleased to note the inclusion of elements such as the definition of "crime against humanity" contained in the article 7 of the Rome Statute, the reference to the principle <i>aut dedere aut iudicare</i>, the principle of "no return", and the right to obtain reparation, among others. Likewise, we wish to highlight the importance of an article on the irrelevance of the official position. It is striking, however, the absence of a clear prohibition of amnesties of a general nature for crimes against humanity, considering especially the atrocious character of those crimes..."</p>	Positive	<a href="http://statements.unmeetings.org/media2/16154279/peru.pdf">http://statements.unmeetings.org/media2/16154279/peru.pdf</a>
Poland	Legal Adviser, Director of the Legal and Treaty Department, Ministry of Foreign Affairs, Mr. Andrzej Misztal	Tues. Oct. 24, 2017, 12:51-12:59 PM	"With regard to the topic "Crimes against humanity" Poland welcomes adoption by the Commission the set of draft articles on first reading... we welcome the new draft article on victims and witnesses. We are of the view that this provision could be supplemented by a definition of victim, determination of the scope of reparations and guaranteeing the right to establish and participate freely in organizations and associations with the aim to assist victims and protect their rights." ... "Additionally, we would like to recall our statements from previous years, when we said that it is worth to consider introducing to the draft a victim-oriented approach, with particular regard to the most vulnerable category of victims, notably children. We believe that this approach should be reflected in draft article 1 by adding that it applies also to "a remedy and reparation for victims" and draft article 2. In this context we are also of the view that there is need of adding separate provision regarding rights of children."	Positive	<a href="http://statements.unmeetings.org/media2/16154310/poland.pdf">http://statements.unmeetings.org/media2/16154310/poland.pdf</a>
Portugal	Director of Legal Affairs Department, Ministry for Foreign Affairs of Portugal, Ms. Susana Vaz Patto	Mon. Oct. 23, 2017, 11:46-11:57 AM	"I would like to begin by commending the Special Rapporteur, Mr. Sean Murphy, for his detailed and comprehensive report. Portugal also commends the Commission for having completed the first reading on this topic." ... "Portugal believes that the draft articles already presented by the Commission provide a solid and strong basis for the discussion about a future convention covering both the substantive and procedural aspects of this topic. Nonetheless, we would advise the Commission to proceed carefully when considering adopting solutions that have proved to be successful for other types of crimes. We should avoid falling into the temptation of simply transposing already existing regimes that were not designed for the specific context and legal nature of crimes against humanity." ... "Even though the heading of draft article 12 seems to allow for an extensive coverage of the subject, it seems to us that this provision would benefit if the question of compensations were to be addressed in a separate article." ... "Our hope is that this work will be an important contribution to the fight against impunity, ensuring accountability where crimes against humanity are committed."	Positive	<a href="http://statements.unmeetings.org/media2/16154208/portugal.pdf">http://statements.unmeetings.org/media2/16154208/portugal.pdf</a>
Republic of Korea	Counsellor for Legal Affairs, Mr. Seoung-Ho Shin	Wed. Oct. 25, 2017, 4:25-4:28 PM	"My delegation would like to express its deep gratitude to the ILC for adopting the first reading on crimes against humanity and completing the draft convention within such a short period of time. We also would like to express our deep appreciation to the Special Rapporteur, Mr. Sean D. Murphy for his outstanding contributions. We will continue to support such endeavors for active discussion about the new convention on crimes against humanity." ... "First, we find it appropriate for the new convention to address extradition under draft article 13...Second, my delegation supports the long-form provisions on extradition and mutual legal assistance...Third, my delegation would like to emphasize the importance of the provision on the principle of non-refoulement in draft article 5...Fourth, my delegation would like to make some comments on criminal responsibility of individuals in official positions...Lastly, we support the provision on victims, witnesses and others under draft article 12..."	Positive	<a href="http://statements.unmeetings.org/media2/16154448/repUBLIC-of-korea.pdf">http://statements.unmeetings.org/media2/16154448/repUBLIC-of-korea.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE & TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Romania	Director General for Legal Affairs, Ministry of Foreign Affairs, Mrs. Alina Orosan	Tues. Oct. 24, 2017, 12:22-12:36 PM	"We would like to express our gratitude for the impressive work done by the Special Rapporteur, Mr. Sean D. Murphy, which has enabled the Commission to swiftly conclude its first reading on the draft articles on crimes against humanity." ... "However, we highlight the fact that any new instrument in this field should not conflict with or undermine existing international law. Along these lines, the Romanian delegation has supported the approach of the Commission of not departing from the relevant provisions of the Rome Statute of the International Criminal Court..." "Taking into account the egregious nature of this international crime, we consider that the current draft articles on establishing jurisdiction meet the desired objective of leaving no safe haven for persons responsible for such offenses. In this regard, we have supported placing the principle <i>aut dedere aut iudicare</i> at the heart of framing the issue of jurisdiction, following the model of other international treaties." ... "We consider that the articles on extradition and mutual legal assistance provisionally adopted this year set a comprehensive normative framework to ensure the implementation of the <i>aut dedere aut iudicare</i> principle, using the model of recent UN conventions. Barring the "political offense" exception to extradition concurs with the overall approach on such heinous crimes that harm the entire international community."	Positive	<a href="http://statements.unmeetings.org/media2/16154304/romania.pdf">http://statements.unmeetings.org/media2/16154304/romania.pdf</a>
Russian Federation	Statement by the Representative of the Russian Federation	Tues. Oct. 24, 2017, 11:11-11:29 AM	***UNOFFICIAL TRANSLATION*** "This year the Commission adopted in the first reading the draft articles on the "Crimes against humanity". The Russian delegation is carefully reviewing this draft and intends to present its comments within the established timeframe."	Neutral	<a href="http://statements.unmeetings.org/media2/16154540/russian-federation-e.pdf">http://statements.unmeetings.org/media2/16154540/russian-federation-e.pdf</a>
Singapore	Senior Counsel, Deputy Attorney-General, Attorney-General's Chambers of Singapore, Mr. Lionel Yee Woon Chin	Mon. Oct. 23, 2017, 12:51-1:02 PM	"On the topic of 'Crimes against humanity', we thank the Special Rapporteur, Mr Sean Murphy, for his third report on the topic, and for bringing his workshop on the Drafting of a Convention on the Prevention and Punishment of Crimes against Humanity to Singapore in 2016. We commend the Commission for adopting on first reading a preamble, fifteen draft articles and an annex, as well as the commentaries thereto." ... "We note from Governments' written comments to the Commission and the debates in this Committee that States have varying views on the precise scope and ambit of key draft articles on the topic. Given this range of views, and the complexity and sensitivity of the subject matter, we are of the view that the topic would stand to benefit from further detailed consideration and we are undertaking such consideration. It is clear that the final outcome of the Commission's work on this topic should be produced taking into account States' views on the draft articles. On this note, our delegation notes and appreciates the Commission's request for Governments to provide comments on the draft articles on crimes against humanity. We will respond to this request before the requested deadline of 1 December 2018."	Neutral	<a href="http://statements.unmeetings.org/media2/16154219/singapore.pdf">http://statements.unmeetings.org/media2/16154219/singapore.pdf</a>
Slovakia	Director of the International Law Department Ministry of Foreign and European Affairs of Slovakia, Mr. Metod SPAČEK	Tues. Oct. 24, 2017, 11:43-11:54 AM	"We would like highly commend the Special Rapporteur Professor Sean Murphy for his excellent third report, as well as the ILC for adopting on first reading draft preamble, 15 articles and annex together with commentaries thereto. I would like to renew our strong endorsement of the work of the Special Rapporteur and the Commission and express overall satisfaction on the decision to handle the topic with a clear vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic. This was a wise and right decision." ... "We would, however, recommend to the Commission to closely follow also various international initiatives aiming at strengthening mutual legal cooperation and assistance of states with regard to international atrocity crimes." ... "We are pleased to see that draft article 5 containing the implementation of the non-refoulement principle was included as a part of a broader concept of the obligation of prevention." ... "We full-heartedly support the inclusion of draft article 12 on measures regarding victims, witnesses and other persons." ... "We concur with the view that extradition may serve for some states as an option in fulfilling their <i>aut dedere aut iudicare</i> obligation stipulated in draft article 10." ... "We strongly support the inclusion of a dispute settlement mechanism in draft article 15...Although this draft article may still require some refinements..."	Strong Positive	<a href="http://statements.unmeetings.org/media2/16154297/slovakia.pdf">http://statements.unmeetings.org/media2/16154297/slovakia.pdf</a>
Slovenia	Head of International Law Department, Ministry of Foreign Affairs, Mr. Borut Mahnič	Tues. Oct. 24, 2017, 10:46-10:56 AM	"In the context of the topic 'crimes against humanity', Slovenia wishes to express its appreciation for the outstanding contribution of the Special Rapporteur, Mr Sean D. Murphy, and his thorough third report, on the basis of which the Commission adopted the entire set of draft articles on crimes against humanity at first reading." ... "Slovenia wishes to recall the joint initiative of Argentina, Belgium, the Netherlands, Senegal and my country, for a new treaty on mutual legal assistance and extradition, which would cover the crime of genocide, war crimes, and crimes against humanity (MLA initiative). While we support the ILC's work on the topic of crimes against humanity, and will continue to contribute to its examination, Slovenia also recognises particular merit in the MLA initiative in that it seeks to offer a modern framework for mutual legal assistance and extradition for all three groups of the most serious crimes under international law. We believe that the MLA initiative and the topic of crimes against humanity have points in common, but there are also important differences between them. Therefore, we consider that both efforts are complementary and should co-exist and continue to develop side by side."	Positive	<a href="http://statements.unmeetings.org/media2/16154324/slovenia.pdf">http://statements.unmeetings.org/media2/16154324/slovenia.pdf</a>
South Africa	Principal State Law Adviser at the Department of International Relations and Cooperation of the Republic of South Africa, Mr. Themble Joyini	Wed. Oct. 25, 2017, 10:21-10:31 AM	"My delegation congratulates the Special Rapporteur, Mr Sean Murphy, on his report and commends him for the noteworthy progress that has been made on the topic of crimes against humanity...The draft articles present a mechanism through which to strengthen cooperation in order to ensure accountability for crimes against humanity." ... "My delegation notes with concern that draft article 9(3) seems to place a disproportionate burden on a State which takes into custody a person alleged to have committed an offence under the draft articles." ... "South Africa does not necessarily require the existence of a treaty in order to extradite..." ... "The draft articles do not contain provisions on dual criminality for either extradition or mutual legal assistance."	Positive	<a href="http://statements.unmeetings.org/media2/16154338/south-africa.pdf">http://statements.unmeetings.org/media2/16154338/south-africa.pdf</a>
Spain	Head of the Legal Affairs Service of the Ministry of Foreign Affairs and Cooperation of Spain, Professor Jose Martin and Perez De Nancloares	Wed. Oct. 25, 2017, 10:32-10:46 AM	"...Delegation of Spain wishes, firstly, to congratulate Mr Sean D. Murphy on his third report, and the Commission on having successfully carried out the first reading of the draft articles." ... "In general terms, the draft articles strike us as appropriate and balanced. Clearly, they are the result of deep reflection, and we find it deserves our positive appraisal." ... "I will address seven very specific issues. First, as I said last year, my Delegation regrets that topics of enormous significance have been set aside...Secondly, as regards <i>draft Article 5 ('Non-refoulement')</i> , we are not sure that it correctly reflects the systematic nature of a crime against humanity...Third, as to <i>draft Article 12 ('Victims, witnesses and others')</i> , it seems to us that paragraph 3, concerning reparation for victims of a crime against humanity, does not take the right approach, technically speaking...Fourth, moving on to <i>draft Article 14 ('Mutual legal assistance')</i> , we believe that paragraph 5, which refers to the conclusion of future legal assistance agreements between States, is disconcerting and adds nothing new...Fifth, we deem it adequate that the Drafting Committee finally eliminated original draft article 16 regarding federal States obligations...We are less certain, however, about the decision to keep the disposition regarding the settlement of disputes (article 15)...Finally, as regards the very sensitive issue of amnesty, the solution that is brought forth to us seems reasonable."	Positive	<a href="http://statements.unmeetings.org/media2/16154346/spain-english-.pdf">http://statements.unmeetings.org/media2/16154346/spain-english-.pdf</a>
Sudan	H.E. Mr. Omer Dahab Fadl Mohamed	Tues. Oct. 24, 2017, 12:01-12:14 PM	***UNOFFICIAL TRANSLATION*** "My delegation has been trying, for years, to strongly connect between the Rome Statute, that established International Criminal Court, and clauses of the bill presented by the international law commission. We declared that we were and have been troubled by it. We warned to not link them because of the sensitivity of the issue, there was no consensus about the Rome Statute and the existence of great legal flaws. For instance, the definition of a crime against humanity, which was entirely adopted in the presented bill clause (3). In addition, throughout the bill steps, there was no consensus about the decisive definition that articulates crimes against humanity. Moreover, there was a disparity of opinions during the preparatory conference of Rome Statute, and the opinion that requires more precise definition was rejected. Notably, some of the attendees, including my delegation, proposed that we should wait for the international law commission to be done with the Draft Code of Offences against the Peace and Security of Mankind, and then the definition can be derived from that. Unfortunately, the commission disappointed us by repeating what Rome Statute says without any modification. Therefore, it is filled with legal holes and flaws." ... "If we look at clause (3) 6 of the bill, we found that immunity of states' presidents is controversial...For example, immunity of heads of states is recognized by international law both written or customary. It is also recognized by courts' precedents, such as International Court of Justice, by the general principle of law." ... "In general, while we are waiting for bills to be referred to us as countries to submit comments and thoughts, my delegation believes that the time has not come to declare an international deed with respect to crimes against humanity."	Strong Negative	<a href="http://statements.unmeetings.org/media2/16154299/sudan.pdf">http://statements.unmeetings.org/media2/16154299/sudan.pdf</a>

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COUNTRY	NAME OF SPEAKER	DATE & TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Sweden (on behalf of the Nordic countries)	Statement on behalf of the Nordic Countries	Mon. Oct. 23, 2017, 11:21-11:30 AM	"First, we would like to extend our compliments to the Special Rapporteur, Mr Sean D. Murphy, and express our deep appreciation and support for his thorough work on the third report and the new draft articles on <i>non-refoulement, victims, witnesses and others, extradition, mutual legal assistance and settlement of disputes.</i> " We would also like to take this opportunity to reiterate our commitment to this valuable project on the prevention and punishment of crimes against humanity, and thank the International Law Commission for the adoption in first reading of this set of draft articles, a draft annex, and commentaries. We believe this to be a significant achievement." ... "The Nordic countries are pleased to see that the draft article on non-refoulement has been moved upwards in the draft." ... "The Nordic countries fully support the obligation under draft article 6, which pertains to criminalization under national law." ... "We will continue to support this project that we consider a welcome and timely contribution to the fight against impunity. The draft articles may serve as a good basis for a future convention on the prevention and punishment of crimes against humanity."	Strong Positive	<a href="http://statements.unmeetings.org/media/16154196/sweden-on-behalf-of-nordic-pdf">http://statements.unmeetings.org/media/16154196/sweden-on-behalf-of-nordic-pdf</a>
Switzerland	Swiss Confederation	Mon. Oct. 23, 2017, 11:58 AM-12:01 PM	***UNOFFICIAL TRANSLATION*** "Switzerland would like to thank the International Law Commission and the Special Rapporteur on Crimes against Humanity for their work." ... "My delegation applauds the fact that the draft preamble adopted during this session emphasizes the <b>prevention</b> of crimes against humanity, which we consider to be just as important as the punishment of these crimes." ... "Nevertheless, one might ask whether the convention should not also address the issue of <b>conflicting requests</b> for extradition, at least by introducing several decision-making criteria in the same manner as the European Convention on Extradition has done. Another important point worthy of attention is the handling of requests from countries that still apply the <b>death penalty</b> . As we see it, the draft convention must include a provision allowing for extradition to be refused in such cases unless the requesting state gives assurances that the death penalty will not be sought, imposed or carried out. In all other respects, Switzerland welcomes the fact that the draft convention is concise and sticks to the essentials."	Positive	<a href="http://statements.unmeetings.org/media/16154210/switzerland.pdf">http://statements.unmeetings.org/media/16154210/switzerland.pdf</a>
Thailand	Deputy Director-General, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, Mrs. Vilawan Mangklatanakul	Tues. Oct. 24, 2017, 11:55 AM-12:00 PM	"On the topic of crimes against humanity, Thailand wishes to thank the Special Rapporteur, Mr. Sean Murphy, for his third report. We welcome the successful completion of the first reading of the draft articles by the Commission and wishes to make the following remarks. <b>First</b> , Thailand recognises the need for the effective prevention and suppression of crimes against humanity as a means to end impunity and safeguard the rule of law. <b>Second</b> , with respect to draft article 3, Thailand supports the Special Rapporteur's approach in defining "crimes against humanity" based on Article 7 of the Rome Statute. <b>Third</b> , in principle, Thailand supports the obligation to prosecute or extradite ( <i>aut dedere aut judicare</i> ) in draft article 10, which would help narrow jurisdictional gaps in the prosecution of crimes against humanity. However, since it is still unclear whether this obligation is or is not part of customary international law, as noted by the Commission's Working Group on this topic back in 2014, it would be useful to seek greater clarification from State practice. <b>Finally</b> , Thailand supports draft article 13 on extradition and draft article 14 on mutual legal assistance. However, since these draft articles are modelled on provisions of existing treaties, which address different types of crimes, whether or not they are compatible with the provisions related to crimes against humanity remains the subject of debate and therefore requires further elaboration."	Positive	<a href="http://statements.unmeetings.org/media/16154298/thailand.pdf">http://statements.unmeetings.org/media/16154298/thailand.pdf</a>
Timor-Leste	Second Secretary, Fonseca dos Santos Pereira	Thurs. Oct. 26, 2017, 3:43-3:48 PM	"... Timor-Leste fully supports all related international legal instruments and measures taken in regards to crimes against humanity, as defined in the draft article 3." ... "However, Timor-Leste believes that the extradition should be in accordance with reciprocal agreement between State parties... My delegation also supports the draft article 14 on Mutual Legal Assistance as we consider its importance for investigations, prosecutions, and judicial proceedings in relation to these types of offences." ... "Timor-Leste supports in principal the realization of the draft articles into an international legally binding instrument that would be effective in ending impunity for the perpetrators of crimes against humanity and prevent such crimes from happening."	Positive	<a href="http://statements.unmeetings.org/media/16154557/timor-leste.pdf">http://statements.unmeetings.org/media/16154557/timor-leste.pdf</a>
Trinidad and Tobago (on behalf of CARICOM)	Statement by Permanent Mission of the Republic of Trinidad and Tobago to the U.N.	Tues. Oct. 31, 2017, 4:12-4:20 PM	"CARICOM reiterates its commitment and support and for the work completed by the ILC thus far on the draft articles on crimes against humanity. We also wish to commend Mr. Sean Murphy, the Special Rapporteur, for his continued hard work on the draft articles and report. Consistent with the principles of international law, we welcome article 6 which calls for States to take the necessary measures to ensure that crimes against humanity constitute offences under its criminal law... We also support the obligation for States to take necessary measures to ensure that the official position of alleged perpetrators does not exempt them from liability for crimes against humanity. Further, we join with others in underscoring the importance of article 12, which treats with the protection of the rights of children, witnesses, and others, which we believe is necessary for justice to prevail."	Positive	<a href="http://statements.unmeetings.org/media/16154822/trinidad-and-tobago-on-behalf-of-caricom-pdf">http://statements.unmeetings.org/media/16154822/trinidad-and-tobago-on-behalf-of-caricom-pdf</a>
Turkey	Statement by Turkey	Wed. Oct. 25, 2017, 12:46-1:00 PM	"At the outset, my Delegation commends the Commission for the adoption of the draft articles and commentaries thereto." ... "Nevertheless, we wish to underline that the proposed rules, concepts and mechanisms should be established with utmost diligence, in an unhurried manner and full clarity. Crimes against humanity have highly political natureas well, by definition involving state officials. It poses the risk to be exploited for political reasons. This risk is especially embedded in draft article 7 (" <i>Establishment of national jurisdiction</i> ") which encourages states to exercise extra-territorial jurisdiction. We are of the view that the provision should further be analyzed and prudently drafted." ... "Corollary we wish to raise some doubts, in particular on the third preambular paragraph " <i>recognizing that crimes against humanity is a peremptory norm of general international law.</i> " We believe that the incorporation of such provision and reasoning explained in paragraph 4 of the commentary, which is based on the first report of the Special Rapporteur Mr. Sean Murphy, do not coincide with the level of common understanding of international community on <i>jus cogens</i> in general, and also in particular the Commission's ongoing work on the topic of peremptory norms. We are of the view that the preambular paragraph must be treated with caution and requires further consideration, if not deleted."	Neutral	<a href="http://statements.unmeetings.org/media/16154400/turkey.pdf">http://statements.unmeetings.org/media/16154400/turkey.pdf</a>
Ukraine	Statement of the Delegation of Ukraine	Thurs. Oct. 26, 2017, 3:35-3:39 PM	"As our country is suffering from Russia's aggression, we would like to emphasize Chapter IV of the Report «Crimes against humanity». The research conducted by IPHR's field mission in Ukraine indicates that both war crimes and crimes against humanity have been committed during the ongoing conflict. Establishing universal legal framework for crimes against humanity has critical importance given the fact that there is no global convention dedicated to preventing and punishing crimes against humanity and promoting inter-State cooperation in that regard, even though crimes against humanity are likely no less prevalent than genocide or war crimes. We also express hope that these draft articles would become a Convention on the Prevention and Punishment of Crimes against Humanity, as was envisaged in proposal of the Commission at its sixty-fifth session in 2013."	Strong Positive	<a href="http://statements.unmeetings.org/media/16154555/ukraine.pdf">http://statements.unmeetings.org/media/16154555/ukraine.pdf</a>
United Kingdom	Assistant Legal Adviser, Mr. Stephen H. Smith	Tues. Oct. 24, 2017, 10:15-10:24 AM	"The United Kingdom welcomes the third report of the Special Rapporteur, Mr. Sean Murphy, on the topic of <b>crimes against humanity</b> , and congratulates the Commission on the completion on first reading of a complete set of draft articles." ... "At the outset, allow me to stress that we are broadly supportive of the draft articles, and look forward to giving them more detailed consideration in the coming months." ... "The United Kingdom recalls its position that the expansion of the scope of this work into issues such as civil jurisdiction and immunity would be unhelpful. It is important that a future convention should be ratified widely, and to that end the United Kingdom welcomes the fact that the Commission has kept the draft relatively simple, along the model of earlier <i>aut dedere aut judicare</i> conventions. Turning briefly to the draft articles themselves, we note that draft Article 5 concerning <i>non-refoulement</i> goes beyond the protections in the Refugee Convention. We query the utility of this expansive approach, given the protections already guaranteed by international human rights law..."	Positive	<a href="http://statements.unmeetings.org/media/16154277/united-kingdom.pdf">http://statements.unmeetings.org/media/16154277/united-kingdom.pdf</a>
United States	Acting Legal Adviser, U.S. Department of State, Mr. Richard Visek	Wed. Oct. 25, 2017, 3:53-4:13 PM	"Mr. Chairman, the United States continues to follow with great interest the commission's work on the topic of crimes against humanity. Special Rapporteur Sean Murphy brings tremendous value to bear in the commission's work on this topic, including the challenging questions that this topic raises." ... "Because crimes against humanity have been perpetrated in various places around the world, including by non-state actors, 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. As we have previously noted, this topic's importance is matched by the complicated legal issues that it implicates. We are continuing to review the ILC's completed draft articles and commentary on this topic carefully, as they present a number of complex issues on which we are still developing our views. We are deeply grateful to Professor Murphy and to the other members of the commission for their work on a topic of such importance, and we eagerly look forward to providing our views to the commission."	Neutral	<a href="http://statements.unmeetings.org/media/16154561/united-states-of-america.pdf">http://statements.unmeetings.org/media/16154561/united-states-of-america.pdf</a>

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Viet Nam	Statement by Delegation of Viet Nam	Wed, Oct. 25, 2017, 4:20:4:24 PM	"On the topic of "Crimes against humanity", at the outset we wish to extend our appreciation to Mr. Sean D Murphy for his third report...My delegation in principle supports the punishment of crimes against humanity on the basis of respect for national sovereignty and non-intervention in domestic matters of other States, consistent with the principles enshrined in the Charter of the United Nations. On the other hand, against the various challenges that are facing the International Criminal Court in investigating and prosecuting serious international crimes, we believe that more consideration needs to be given to the necessity and effectiveness of an international treaty dealing with crimes against humanity. Regarding the provisions on the prosecution of criminals, Viet Nam is of the view that the principle of complementarity should be upheld, thus priority needs to be given to the jurisdiction of national courts in dealing with crimes against humanity. Similarly, disputes on the interpretation and implementation of the Convention should be first settled by the concerned States before submitting to any international court or tribunal." ... "Particularly, my delegation reiterates our position at the previous session that the criminal liability of legal persons has yet to gain wide acceptance in international law, thus that the sanction against acts of legal persons should be dealt with by national laws of States and should be excluded from the Convention..."	Neutral	<a href="http://statements.unmeetings.org/media2/16154436/viet-nam.pdf">http://statements.unmeetings.org/media2/16154436/viet-nam.pdf</a>

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NEGATIVE	2
STRONG NEGATIVE	2

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COUNTRY	NAME OF SPEAKER	DATE & TIME	STATEMENT	NOTE	STATEMENT CODE
Belarus		Oct 22 - 24	<b>unofficial translation:</b> In general, we consider it premature at this stage to consider this topic by the Commission, since the potential of the Sixth Committee for its development is not fully exhausted, and the Commission has not yet completed work on the topics "immunity of officials from foreign criminal jurisdiction" closely related to universal jurisdiction, as well as "Crimes against humanity".	re: Universal Jurisdiction	neutral
Czech Republic	Ms. Kristina Hornaekova, Legal Adviser of the Permanent Mission of the Czech Republic to the United Nations	Oct-30-18	Further, we would like to point to the fact that the issue of procedural aspects of immunity of state officials is related to other former, current, or possible future topics on the agenda of the Commission, such as the topics aut dedere out iudicare, <b>crimes against humanity</b> , and universal jurisdiction, which was included in the long-term programme of work at the current session. As mentioned in the Commission's debate, this relationship requires the pursuit of common approach to ensure consistency in various outputs of the Commission.	re: Immunity of State officials from foreign criminal jurisdiction	neutral
Holy See	H.E. Archbishop Bernardito Auza Apostolic Nuncio, Permanent Observer of the Holy See	24-26 Oct. 2018	<p>The Report of the International Law Commission notes that, according to some members, the fact that half or even the majority of countries of the world has not yet enacted criminal provisions on the offenses prohibited by ius cogens, such as <b>crimes against humanity</b>, apartheid and the crime of aggression, may reveal that there is no customary duty to exercise national criminal jurisdiction over those offences when committed on their territory or by their nationals. ^ My Delegation cannot share such a conclusion: the absence of domestic legislation should not be construed as a lack of opinio iuris in support of a customary duty to prosecute the most serious crimes that offend the conscience of humankind.</p> <p>At the same time, the lack of domestic legislation, regarding especially the prosecution of <b>crimes against humanity</b>, is a matter of outmost concern. Far too often minorities are targeted for subjugation, enslavement, forced exile, human trafficking, ethnic cleansing and other crimes against humanity. Neither war nor civil strife are an excuse for such actions. The Holy See calls in the strongest terms for the prevention of such acts, the prosecution of those who commit them, and the protection of their victims, and urges all nations to uphold their duty to humanity to protect and support people in vulnerable situations.</p> <p>The 2005 World Summit Outcome document, in defining the Responsibility to Protect, establishes that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The international community is therefore called upon to assist States with fragile institutions perform this responsibility and support them in establishing an early warning capability. [...]</p> <p>The Holy See encourages the continued efforts by this Committee to develop a new global convention on preventing and punishing crimes against humanity. Such treaty must focus squarely on codifying existing customary law and promote international judicial cooperation. Adding new offenses, before State practice and opinio iuris have fully developed, would not be conducive to a broad consensus. Indeed, such a convention would provide a mechanism to help fulfill the international community's obligation to protect populations from crimes against humanity through collective and diplomatic actions.</p>		positive
India	Dr. Vishnu Dutt Sharma, Additional Secretary and Legal Adviser Ministry of External Affairs, Government of India	22-Oct-18	Taking stock of the volume of work, the Report reveals that the Commission has been able to complete work on two topics, namely, "Subsequent agreements and subsequent practice in relation to the interpretation of treaties" and; "Identification of customary international law." Eight topics are remaining on the programme of work of the Commission and the work on them is in progress namely. Provisional application of treaties; Peremptory norms of general international law (jus cogens); General principles of law; Succession of States in respect of State responsibility; Immunity of State officials from foreign criminal jurisdiction; Crimes against humanity; Protection of environment in relation to armed conflicts and; Protection of the atmosphere. <b>Except the topic of "crimes against humanity", draft articles of which are under consideration of the States for comments</b> , all topics were debated in the Commission's current session.		neutral
Iran	Mr. Sattar Ahmadi, Representative of the Islamic Republic of Iran	30-Oct-18	Finally, on draft Conclusion 23, providing for the non-applicability of immunity ratione materiae for offences prohibited by jus cogens, the practice cited by the Special Rapporteur in the third report does not support the draft Conclusion proposed. We consider that the Draft Conclusion 23 crossed the limits of its corresponding provision drafted in the other work of the Commission, that is, Immunity from Foreign criminal jurisdiction. <b>Thus, any inclusion of such a provision could be problematic. Furthermore, this make it more difficult to reach consensus on two other works, namely crimes against humanity</b> and immunity of state officials from foreign criminal jurisdiction which are currently examined by the Commission. Therefore, it deems necessary for the Commission to refrain from addressing these issues in the context of the topic of jus cogens or providing any prejudgment before preparing its final outcome in related matters, in order to avoid any potential inconsistency and duplication.	re: jus cogens	neutral

## 73rd SESSION OF THE UNGA (2018)

COUNTRY	NAME OF SPEAKER	DATE & TIME		NOTE	STATEMENT CODE
Israel	Mr. Reuven Eidelman, Legal Department, Ministry of Foreign Affairs	22-Oct-18	Regarding Universal Jurisdiction, As Israel already stated during the 6th Committee's discussion of "The Scope and Application of the Principle of Universal Jurisdiction", we have concerns with regard to the decision of the ILC to include this topic in its long-term programme of work. Our concerns relate to the significant challenge of identifying state practice with relation to this topic, where merely a small portion of the overall legal data is publicly available, which could lead to a distorted picture of State practice and a poor basis for proper legal analysis; <b>the fact that the ILC is currently dealing with 3 other closely linked topics which we believe should be finalized before even considering this complex topic</b> ; and above all, the obvious sensitivity, as all too often universal jurisdiction is used primarily to advance a political agenda or to attract media attention, rather than to genuinely promote the rule of law .	re: Universal Jurisdiction	neutral
Peru	Embajador Gustavo Meza-Cuadra Velasquez, Representante Permanente del Peru ante la Sexta Ccmision de la Asamblea General de las Naciones Unidas	30-Oct-18	<b>unofficial translation:</b> On this matter, in this present state, my delegation would only like to express a concern regarding the possible effects of peremptory norms of general international law (ius cogens) on immunity. In this regard, while <b>it is important that the present work take into account the work of the Commission on crimes against humanity</b> and immunity of foreign criminal jurisdiction, it is important to avoid overlaps with these matters, in particular with the immunity of foreign criminal jurisdiction , beyond the formulation "without prejudice to".	re: jus cogens	neutral
Sierra Leone	H.E. DR. MICHAEL IMRAN KANU Deputy Permanent Representative	24-Oct-18	In Sierra Leone's view, without prejudice to its own views on the matter, the ILC may consider assisting with draft guidelines or draft conclusions on universal criminal jurisdiction. The ILC should also use the space that seems to have been created in its work programme with the completion of several of its current topics to move this item on to its active agenda. With regards to this call, <b>we further note that at least three additional ILC topics</b> , on protection of the atmosphere, provisional application of treaties, <b>and crimes against humanity respectively, will be concluded in the next two years with the latter maturing as early as next year.</b>		neutral
ILC Chair	MR. EDUARDO VALENCIA-OSPINA		Before concluding my statement, I would like to remind you that <b>this year the topic "Crimes against humanity" was not debated by the Commission</b> . As you will recall, a full set of draft articles and a preamble on this topic was adopted on first reading during last year's session. As is the established practice, the Commission suspends the consideration of topics after the first reading to give States an opportunity to carefully review the outcome and to give in-depth comments for the second reading. Written comments are requested by 1 December 2018, so that the second reading of this topic may take place in the summer of 2019. I encourage all Member States to submit written comments in time. The Commission greatly values comments from States on all topics. I can assure you that we examine all comments most carefully; they are a very important part of our work.		neutral
ILC Chair	MR. EDUARDO VALENCIA-OSPINA	31-Oct-18	I would like to take this opportunity to reiterate the request made to Governments by the Commission to submit to the Secretary-General, by 1 December 2018, their comments and observations on the draft articles on <b>Crimes Against Humanity</b> . [...] Such comments and observations will provide an invaluable assistance to the Commission for the second reading of all three sets of texts.		neutral

## Summary of Government Responses

	68th Session (2013)	69th Session (2014)	70th Session (2015)	71st Session (2016)	72nd Session (2017)	73rd Session (2018)	TOTAL	%
<b>Strong Positive</b>	0	3	5	4	8	1	21	11%
<b>Positive</b>	9	12	20	21	34	0	96	52%
<b>Neutral</b>	10	9	10	9	9	0	47	26%
<b>Negative</b>	3	3	1	4	2	0	13	7%
<b>Strong Negative</b>	2	1	2	0	2	0	7	4%
<b>TOTAL</b>	24	28	38	38	55	1	184	

*Note:* 7 States mentioned the ILC's work on CAH in relation to other topics are not included in this count

Code	
<b>Strong Positive</b>	Emphatic yes - key words include: "strong support"; "strong consideration"
<b>Positive</b>	Qualified yes, may offer some suggestions for improvement - key words include: "welcomes"; "supports"
<b>Neutral</b>	Does not take a position, may support another project - key words include: "offers congratulations"; "noting"; "noting with interest"; "stress need for study"
<b>Negative</b>	Querying the project as a whole or in part - key words include: "queries"; "takes issue with"; "doubts"; "concerned"
<b>Strong Negative</b>	Emphatic rejection - key words include: "no need"; "doesn't meet criteria"; "bad idea"; "rejects"