



**Compilation of Government Reactions to the  
International Law Commission's Project on  
Crimes Against Humanity**

Prepared by the  
Whitney R. Harris World Law Institute

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WHITNEY R. HARRIS  
WORLD LAW INSTITUTE

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## INTRODUCTORY NOTE

This document is a compilation of government reactions on the International Law Commission’s Project on crimes against humanity during four sessions of the United Nations General Assembly Sixth Committee (68th, 69th, 70th and 71st Sessions). The comments have been taken from country statements found on the United Nations website. A link for each country’s 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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## 68<sup>th</sup> Session of the UNGA Sixth Committee 2013

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

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

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

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

| COUNTRY            | NAME OF SPEAKER  | DATE AND TIME                       | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|--------------------|--|-------------------------------------|--|----------------|---|
| 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.<br>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.<br>In this regard we should ask ourselves questions what the goal of elaborating a new document on crime against humanity is and how this document would be related to the exiting norms of customary and treaty law."                        | Negative       | <a href="https://papersmart.unmeetings.org/media2/703751/russia-e-rev.pdf">https://papersmart.unmeetings.org/media2/703751/russia-e-rev.pdf</a> |
| Slovenia           | Director-General, Ministry of Foreign Affairs, Borut Mahnič                            | Thur Oct. 30, 2013, 12:00-12:17PM   | "... We also note with interest the inclusion of the topic "Crimes against humanity" in its long-term programme of work.<br>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.<br>It seems to us that in view of the said initiative and the relationship between a potential Crimes against Humanity Convention and the ICC's Rome Statute the ILC decision requires further consideration." | Neutral        | <a href="https://papersmart.unmeetings.org/media2/703847/slovenia.pdf">https://papersmart.unmeetings.org/media2/703847/slovenia.pdf</a>         |
| South Africa       | Legal Adviser to the Permanent Mission of South Africa to the UN, Thembile Joyini      | Wed Oct. 28th, 2013, 10:54-11:23AM  | "...<br>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.<br>...<br>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> |

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

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

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

**Unable to Search**

<https://papersmart.unmeetings.org/media2/703798/belarus.pdf>

**69<sup>th</sup> Session of the UNGA Sixth Committee  
2014**

| 69 <sup>th</sup> SESSION OF THE UNGA (2014) |   |                                      |  |                 |   |
|---|---|--------------------------------------|--|-----------------|---|
| COUNTRY                                     | NAME OF SPEAKER   | DATE AND TIME                        | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
| <b>Australia</b>                            | General Counsel, Office of International Law, Attorney-General's Department, Mr. Bill Campbell                        | Fri. Oct. 31st, 2014, 11:07-11:11AM  | "... Australia notes the decision of the Commission to include the topic of 'Crimes Against Humanity' in its programme of work and its appointment of Mr. Sean Murphy as Special Rapporteur. Australia assumes that in its examination of this important topic the Commission will give consideration to a broader application of the obligation to extradite or prosecute to crimes against humanity."  | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/4654832/australia-en.pdf">http://statements.unmeetings.org/media2/4654832/australia-en.pdf</a>   |
| <b>Austria</b>                              | Professor of International Law, University of Vienna, Mr. August Reinisch   | Mon. Oct. 27, 2014, 11:54AM-12:07PM  | "Already in last year's statement, Austria expressed its support for the inclusion of the topic "Crimes against humanity" in the agenda of the Commission. In Austria's view the Commission and Special Rapporteur Sean Murphy should put emphasis on the need of cooperation and adequate domestic legislation rather than on the elaboration of new definitions of such crimes. New definitions that differ from the already existing ones like those contained in the Rome Statute of the International Criminal Court (ICC) could only create problems for the pursuit of the goal of combating impunity. The Commission should also take into account the joint initiative of Argentina, Belgium, the Netherlands, Senegal and Slovenia on mutual legal assistance regarding atrocity crimes."  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/4654242/austria-en-78.pdf">http://statements.unmeetings.org/media2/4654242/austria-en-78.pdf</a> |
| <b>Chile</b>                                | Legal Director of the Chilean Foreign Ministry, Mr. Claudio Troncoso R.   | Tues. Oct. 28th, 2014, 11:31-11:43AM | "I should also like to note that the Commission's Planning Group decided to add two very important new topics to its work programme: "Crimes against humanity" and "Jus cogens". Our delegation welcomes these additions."   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/4654407/chile-en.pdf">http://statements.unmeetings.org/media2/4654407/chile-en.pdf</a>           |
| <b>Chile</b>                                | Legal Director of the Chilean Foreign Ministry, Mr. Claudio Troncoso R.   | Fri. Oct. 31st, 2014, 4:21-4:41PM    | "... This is a topic to which this General Assembly and its subsidiary body, the International Law Commission, have previously made significant contributions. The concept of crimes against humanity is well defined in the Statute of the International Criminal Court. Several States, including Chile, have modified their domestic criminal legislation to adapt it to the 1998 Rome Statute. We therefore believe that the future work of the International Law Commission on this topic should not consist of redefining the concept of crimes against humanity but particularly of regulating the effects and consequences of categorizing behavior as a crime against humanity. In our opinion, the first consequence should be the obligation either to prosecute or to extradite the perpetrator of a crime against humanity. The Commission could also help to define the possible scope of universal jurisdiction in the case of crimes against humanity and the circumstances in which the State where the crime was committed should preferably try the case. All this would prevent these serious crimes of international importance from going unpunished. Obviously the Special Rapporteur, Mr. Sean Murphy, is facing a daunting task. We wish him every success and offer him our full cooperation." | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf">http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf</a>   |
| <b>Costa Rica (on behalf of CELAC)</b>      | Georgina Guillen-Grillo, Minister-Counselor Permanent Mission of Costa Rica to the United Nations, Ms. Guillen-Grillo | Mon. Oct. 27, 2014, 11:03-11:15AM    | "For all these specific issues [including crimes against humanity], CELAC takes special note of the deadline established by the Commission to Member States in order to furnish possible comments and observations."   | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/4654292/celac-en.pdf">http://statements.unmeetings.org/media2/4654292/celac-en.pdf</a>           |

**69<sup>th</sup> Session of the UNGA Sixth Committee  
2014**

| COUNTRY                                     | NAME OF SPEAKER   | DATE AND TIME                               | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
|---|---|---|--|-----------------|---|
| Croatia                                     | First Secretary<br>Permanent Mission of the<br>Republic of Croatia to the<br>United Nations, Mr.<br>Sebastian Rogac | Tues. Oct. 28th,<br>2014, 12:22-<br>12:29PM | "Croatia congratulates Mr. Sean D. Murphy for his appointment as Special Rapporteur for this important topic.<br>...<br>... 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.<br>...<br>... 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                              | Director of International<br>Law Department, Ministry<br>of Foreign Affairs, Mr.<br>Petr Válek                      | Mon. Oct. 27th,<br>2014, 10:15-<br>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<br>Escobar Pacas  | Tues. Oct. 28th,<br>2014, 12:09-<br>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) | Director General for Legal<br>Affairs Ministry for<br>Foreign Affairs of Finland,<br>Ms. Päivi Kaukoranta           | Mon. Oct. 27,<br>2014, 11:23-<br>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.<br>...<br>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>                                   |
| France                                      | Director of Legal Affairs<br>Ministry of Foreign and<br>European Affairs, Mr.<br>François Alabrune                  | Wed. Oct. 29th,<br>2014, 3:56-<br>4:16PM    | "Concerning the topic on "Crimes against humanity", the ambitious nature of the project must be recorded.<br>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.<br>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."                 | Strong Negative | <a href="http://statements.unmeetings.org/media2/4654666/france-fr.pdf">http://statements.unmeetings.org/media2/4654666/france-fr.pdf</a>                                     |



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| COUNTRY | NAME OF SPEAKER   | DATE AND TIME                               | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
|---------|---|---|--|-----------------|---|
| Ireland | Legal Adviser<br>Department of Foreign<br>Affairs and Trade, Mr.<br>James Kingston  | Mon. Oct. 27,<br>2014, 12:50-<br>12:58PM    | "... 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.<br>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.<br>...<br>We look forward to the first report of the Special Rapporteur on this topic." | Neutral         | <a href="http://statements.unmeetings.org/media2/4654331/ireland-new.pdf">http://statements.unmeetings.org/media2/4654331/ireland-new.pdf</a> |
| Israel  | Director of the General<br>International Law<br>Department at the Israel<br>Ministry of Foreign<br>Affairs, Ms. Sarah Weiss<br>Ma'udi | Tues. Oct. 28th,<br>2014, 11:44-<br>11:49AM | "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. ...<br>The codification of crimes against humanity in a new treaty would be an important achievement for the international community."   | Strong Positive | <a href="http://statements.unmeetings.org/media2/4654415/israel-en.pdf">http://statements.unmeetings.org/media2/4654415/israel-en.pdf</a>     |
| Italy   | Director for Legal Affairs<br>Ministry of Foreign<br>Affairs, Mr. Andrea<br>Tiriticco   | Wed. Oct. 29th,<br>2014, 4:28-<br>4:53PM    | "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 judicial cooperation on ICC crimes."  | Positive        | <a href="http://statements.unmeetings.org/media2/4654649/italy.pdf">http://statements.unmeetings.org/media2/4654649/italy.pdf</a>             |
| Jamaica | Permanent<br>Representative of<br>Jamaica to the United<br>Nations, H.E. Mr. E.<br>Courtenay Rattray                                  | Wed. Nov. 5th,<br>2014, 10:50-<br>11:06AM   | "The Commission has also decided to place the topic of Crimes against Humanity in its programme of work ... "  | Neutral         | <a href="http://statements.unmeetings.org/media2/4655098/jamaica.pdf">http://statements.unmeetings.org/media2/4655098/jamaica.pdf</a>         |
| Japan   | Representative of<br>Japanese Delegation, Mr.<br>Tomoyuki Hanami  | Tues. Oct. 28th,<br>2014, 11:17-<br>11:31AM | "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."  | Positive        | <a href="http://statements.unmeetings.org/media2/4654431/japan-en.pdf">http://statements.unmeetings.org/media2/4654431/japan-en.pdf</a>       |

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| COUNTRY          | NAME OF SPEAKER  | DATE AND TIME                        | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|------------------|--|--------------------------------------|--|----------------|---|
| Malaysia         | Federal Counsel at the International Affairs Division, 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>...</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 augurs well that the ICC be supported by providing additional funds to enhance their resources.</p> <p>...</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         | Ambassador, Permanent Representative of Mongolia to the United Nations, Mr. Och Od       | Fri. Oct. 31st, 2014, 5:41-5:46PM    | <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. 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>                     |
| Netherlands, The | Legal Adviser, Netherlands Ministry of Foreign Affairs, Dr. Liesbeth Lijnzaad (Ms.)      | Tues. Oct. 28th, 2014, 10:21-10:33AM | <p>"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.</p> <p>... [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.</p> <p>...</p> <p>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."</p>   | Negative       | <a href="http://statements.unmeetings.org/media2/4654389/netherlands-en.pdf">http://statements.unmeetings.org/media2/4654389/netherlands-en.pdf</a>         |
| New Zealand      | International Legal Adviser, Ministry of Foreign Affairs and Trade, Ms. Penelope Ridings | Wed. Oct. 29th, 2014, 10:43-10:50AM  | <p>"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."</p>  | 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             | Permanent Representative of Peru, H.E. Mr. Gustavo Meza-Cuadra                           | Mon. Oct. 27th, 2014, 12:16-12:20PM  | <p>***** UNOFFICIAL TRANSLATION *****</p> <p>"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."</p>   | Neutral        | <a href="http://statements.unmeetings.org/media2/4654302/peru-sp.pdf">http://statements.unmeetings.org/media2/4654302/peru-sp.pdf</a>                       |

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| COUNTRY             | NAME OF SPEAKER   | DATE AND TIME                        | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|---------------------|---|--------------------------------------|--|----------------|---|
| Poland              | Legal Adviser Director of the Legal and Treaty Department Ministry of Foreign Affairs of the Republic of 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   | Director for the Treaties Division of the International Legal Affairs Bureau, Ministry of Foreign Affairs of the 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.<br>...<br>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.<br>...<br>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             | Speech delivered on behalf of Mr. Ion Gâlea, Director General for Legal Affairs Ministry of Foreign Affairs of 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        | Senior State Law Adviser Department of International Relations and Cooperation of the Republic of 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.<br>...<br>... 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               | Head of the International Legal Department of the Ministry Foreign Affairs and Cooperation, Prof. José Martín and 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 | Deputy Permanent Representative of 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>                   |

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| COUNTRY                         | NAME OF SPEAKER   | DATE AND TIME                        | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
|---------------------------------|---|--------------------------------------|--|-----------------|---|
| <b>United Kingdom</b>           | Legal Adviser Foreign & Commonwealth Office, 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." | <b>Neutral</b>  | <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> |
| <b>United States of America</b> | Acting Legal Adviser United States Department of State, 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."   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/4654447/us.pdf">http://statements.unmeetings.org/media2/4654447/us.pdf</a>                           |

| <b>69th Session Summary Table</b> |           |
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| <b>TOTAL GOVERNMENT REACTIONS</b> | <b>28</b> |
| Total STRONG POSITIVE             | <b>3</b>  |
| Total POSITIVE                    | <b>12</b> |
| Total NEUTRAL                     | <b>9</b>  |
| Total NEGATIVE                    | <b>3</b>  |
| Total STRONG NEGATIVE             | <b>1</b>  |

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| 70 <sup>th</sup> SESSION OF THE UNGA (2015) |   |                                  |  |                 |   |
|---|---|----------------------------------|--|-----------------|---|
| COUNTRY                                     | NAME OF SPEAKER   | DATE AND TIME                    | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
| <b>Austria</b>                              | Professor of International Law, University of Vienna, Mr. August Reinisch       | Wed. Nov. 4, 2015, 3:56-4:09PM   | "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.<br>...<br>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. ... 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."  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654746/austria.pdf">http://statements.unmeetings.org/media2/7654746/austria.pdf</a>               |
| <b>Belarus</b>                              | Delegation of Belarus   | Fri. Nov. 6, 2015, 10:02-10:16AM | ***** UNOFFICIAL TRANSLATION *****<br>" ... 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."   | <b>Negative</b> | <a href="http://statements.unmeetings.org/media2/7654917/belarus.pdf">http://statements.unmeetings.org/media2/7654917/belarus.pdf</a>               |
| <b>Chile</b>                                | Legal Advisor of the Ministry of Foreign Affairs of Chile, Mr. Claudio Troncoso | Fri. Nov. 6, 2015, 2:46-2:58PM   | "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.<br>We congratulate the Special Rapporteur on his work and look forward to his second report."   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654990/chile-english-.pdf">http://statements.unmeetings.org/media2/7654990/chile-english-.pdf</a> |
| <b>China</b>                                | Director General of the Ministry of Foreign Affairs of China, Mr. XU Hong       | Fri. Nov. 6, 2015, 4:23-4:37PM   | "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.<br>... 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.<br>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.<br>Secondly, with respect to the list of specific crimes, full consideration should be given to differences among national legal systems. ...<br>Thirdly, it warrants further consideration whether the obligation of States to prevent crimes against humanity as currently drafted is too broad. ..." | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654986/china-english-.pdf">http://statements.unmeetings.org/media2/7654986/china-english-.pdf</a> |

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| COUNTRY                             | NAME OF SPEAKER  | DATE AND TIME                    | STATEMENT  | STATEMENT CODE         | HYPERLINK   |
|-------------------------------------|--|----------------------------------|--|------------------------|---|
| <b>Croatia</b>                      | Director-General Directorate for European Law, International Law and Consular Affairs, Ministry of Foreign and European Affairs, H.E. Ambassador Andreja Metelko-Zgombić | Fri. Nov. 6, 2015, 2:38-2:45PM   | "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 Murphey, 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. 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. ..."   | <b>Strong Positive</b> | <a href="http://statements.unmeetings.org/media2/7654989/croatia.pdf">http://statements.unmeetings.org/media2/7654989/croatia.pdf</a>                                       |
| <b>Czech Republic</b>               | Director of International Law Department, Ministry of Foreign Affairs of the Czech Republic, Mr. Petr Valek  | Wed. Nov. 4, 2015, 4:34-4:45PM   | "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, .... 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. 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. 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." | <b>Positive</b>        | <a href="http://statements.unmeetings.org/media2/7654776/czech-republic.pdf">http://statements.unmeetings.org/media2/7654776/czech-republic.pdf</a>                         |
| <b>Ecuador (on behalf of CELAC)</b> | Permanent Mission of Ecuador to the United Nations on Behalf of the Community of Latin American and Caribbean States, CELAC, Mr. Agustin Fornell                         | Mon. Nov. 2, 2015, 10:46-11:00AM | "... 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" ... ."  | <b>Neutral</b>         | <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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| <b>El Salvador</b> | 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> | <b>Strong Positive</b> | <a href="http://statements.unmeetings.org/media2/7655007/el-salvador.pdf">http://statements.unmeetings.org/media2/7655007/el-salvador.pdf</a> |
| <b>France</b>      | Director of Legal Affairs, Ministry of Foreign Affairs, 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>   | <b>Strong Negative</b> | <a href="http://statements.unmeetings.org/media2/7654959/france.pdf">http://statements.unmeetings.org/media2/7654959/france.pdf</a>           |

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| Germany | Legal Adviser, Permanent Mission of Germany to the United Nations, 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.</p> <p>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. ...</p> <p>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  | Legal Adviser, Head of the Legal Department,   | Wed. Nov. 4, 2015, 4:11-           | "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   | Strong Negative | <a href="http://statements.unmeetings.org/media2/76549">http://statements.unmeetings.org/media2/76549</a>                             |
| Hungary | Deputy Head of International Law Department, Ministry of Foreign Affairs and Trade, Ms. Rita Silek | Fri. Nov. 6, 2015, 12:37-12:42PM   | <p>"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. ...</p> <p>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."</p>  | Positive        | <a href="http://statements.unmeetings.org/media2/7654954/hungary.pdf">http://statements.unmeetings.org/media2/7654954/hungary.pdf</a> |
| India   | Honorable Member of Parliament, Ms. Riti Pathak  | Fri. Nov. 6, 2015, 11:59AM-12:05PM | <p>"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.</p> <p>...</p> <p>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."</p>  | Neutral         | <a href="http://statements.unmeetings.org/media2/7654940/india.pdf">http://statements.unmeetings.org/media2/7654940/india.pdf</a>     |



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| Indonesia | Director General for Legal Affairs and Treaties Ministry of Foreign Affairs of the Republic of Indonesia, H.E. Ferry Adamhar | Mon. Nov. 9, 2015, 10:40-10:56AM   | <p>"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.</p> <p>A convention on crimes against humanity is essential as part of the effort of the international community to fight impunity. ...</p> <p>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.</p> <p>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."</p>  | Positive        | <a href="http://statements.unmeetings.org/media2/7655046/indonesia.pdf">http://statements.unmeetings.org/media2/7655046/indonesia.pdf</a> |
| Iran      | Legal Officer in the Legal and International Directorate General of the Ministry of Foreign Affairs, Mr. Reza Dehghani       | Mon. Nov. 9, 2015, 11:36AM-12:00PM | <p>"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).</p> <p>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. ...</p> <p>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.</p> <p>...</p> <p>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."</p> | Strong Negative | <a href="http://statements.unmeetings.org/media2/7655056/iran.pdf">http://statements.unmeetings.org/media2/7655056/iran.pdf</a>           |
| Israel    | Director of the General International Law Department Ministry of Foreign Affairs, Ms. Sarah Weiss Ma'udi                     | Fri. Nov. 6, 2015, 12:15-12:22PM   | <p>"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. ...</p> <p>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. ...</p> <p>...</p> <p>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."</p>  | Strong Positive | <a href="http://statements.unmeetings.org/media2/7654946/israel.pdf">http://statements.unmeetings.org/media2/7654946/israel.pdf</a>       |

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| <b>Italy</b>    | Director for Legal Affairs<br>Ministry of Foreign<br>Affairs, Mr. Andrea<br>Tiriticco | Mon. Nov. 2,<br>2015, 11:34-<br>11:43AM | <p>"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.</p> <p>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.</p> <p>...</p> <p>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."</p>   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654393/italy.pdf">http://statements.unmeetings.org/media2/7654393/italy.pdf</a>       |
| <b>Japan</b>    | Mr. Tomoyuki Hanami   | Fri. Nov. 6,<br>2015, 5:47-<br>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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7655022/japan.pdf">http://statements.unmeetings.org/media2/7655022/japan.pdf</a>       |
| <b>Malaysia</b> | Federal Counsel at the<br>International Affairs<br>Division, Ms. Edora<br>Ahmad       | Mon. Nov. 9,<br>2015, 11:10-<br>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>   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7655051/malaysia.pdf">http://statements.unmeetings.org/media2/7655051/malaysia.pdf</a> |

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| <b>Mexico</b>           | 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: 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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654926/mexico.pdf">http://statements.unmeetings.org/media2/7654926/mexico.pdf</a>           |
| <b>Netherlands, The</b> | 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>               | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/7654921/netherlands.pdf">http://statements.unmeetings.org/media2/7654921/netherlands.pdf</a> |
| <b>New Zealand</b>      | Legal Adviser, Netherlands Ministry of Foreign Affairs, 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.</p> <p>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>   | <b>Positive</b> | <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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| <b>Peru</b>     | 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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654979/peru.pdf">http://statements.unmeetings.org/media2/7654979/peru.pdf</a>         |
| <b>Poland</b>   | Adviser to the Ministry of Foreign Affairs, 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>  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654928/poland.pdf">http://statements.unmeetings.org/media2/7654928/poland.pdf</a>     |
| <b>Portugal</b> | Department of Legal Affairs Ministry of Foreign Affairs 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>...</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.</p> <p>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>...</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>  | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/7654985/portugal.pdf">http://statements.unmeetings.org/media2/7654985/portugal.pdf</a> |

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| Republic of Korea  | Counsellor of the Republic of Korea to the United Nations, 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            | Director General for Legal Affairs Ministry of Foreign Affairs of 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>...</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>                     |
| Russian Federation |  |                                  | <p>***** UNOFFICIAL TRANSLATION *****</p> <p>"The key idea is to harmonize national laws on crimes against humanity; We support the Commission's approach with regard to the use of the model of the Convention on the Prevention of Genocide ... "</p>  | Positive       |   |

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| COUNTRY          | NAME OF SPEAKER   | DATE AND TIME                    | STATEMENT   | STATEMENT CODE         | HYPERLINK   |
|------------------|---|----------------------------------|---|------------------------|---|
| <b>Singapore</b> | Director-General, International Affairs Division, Attorney-General's Chambers of 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>  | <b>Neutral</b>         | <a href="http://statements.unmeectings.org/media2/7654927/singapore.pdf">http://statements.unmeectings.org/media2/7654927/singapore.pdf</a> |
| <b>Slovakia</b>  | Director of the International Law Department Ministry of Foreign and European Affairs of 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.</p> <p>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> | <b>Strong Positive</b> | <a href="http://statements.unmeectings.org/media2/7655030/slovakia.pdf">http://statements.unmeectings.org/media2/7655030/slovakia.pdf</a>   |

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| COUNTRY      | NAME OF SPEAKER  | DATE AND TIME                    | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|--------------|--|----------------------------------|--|----------------|---|
| Slovenia     | Head of International Law Department, Ministry of Foreign Affairs of the Republic of 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.</p> <p>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>         |
| South Africa | Deputy Permanent Representative of 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. ... 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> |

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| COUNTRY   | NAME OF SPEAKER   | DATE AND TIME                  | STATEMENT   | STATEMENT CODE  | HYPERLINK   |
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| <b>Spain</b>                                      | Head of International Law Division of The Spanish Ministry of Foreign Affairs and Cooperation, Prof. José Martín and 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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7654995/spain-english-.pdf">http://statements.unmeetings.org/media2/7654995/spain-english-.pdf</a>   |
| <b>Sweden (on behalf of the Nordic countries)</b> | Director General for Legal Affairs, Ministry for Foreign Affairs, 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>...</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>   | <b>Positive</b> | <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> |



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| COUNTRY        | NAME OF SPEAKER  | DATE AND TIME                    | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|----------------|--|----------------------------------|--|----------------|---|
| 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.</p> <p>It welcomes that the four existing draft articles are based on the existing international legal framework. ...</p> <p>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>   |
| United Kingdom | Assistant Legal Adviser Foreign & Commonwealth Office, 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. ...</p> <p>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>                           |

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| COUNTRY                  | NAME OF SPEAKER  | DATE AND TIME                  | STATEMENT  | STATEMENT CODE | HYPERLINK   |
|--------------------------|--|--------------------------------|--|----------------|---|
| United States of America | Statement by Stephen Townley, Counselor Deputy Legal Adviser, Delivered by 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> |

**NOTE THAT ARGENTINA POTENTIALLY SPOKE ABOUT CAH BUT THE DOCUMENT IS NOT AVAILABLE ON THE UN WEBSITE**

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| Total STRONG POSITIVE             | <b>5</b>  |
| Total POSITIVE                    | <b>20</b> |
| Total NEUTRAL                     | <b>9</b>  |
| Total NEGATIVE                    | <b>1</b>  |
| Total STRONG NEGATIVE             | <b>3</b>  |

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|---|--|-------------------------------------|---|-----------------|---|
| COUNTRY                                     | NAME OF SPEAKER  | DATE AND TIME                       | STATEMENT   | STATEMENT CODE  | HYPERLINK   |
| <b>Argentina</b>                            | 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.</p> <p>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>...</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>  | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/7663607/argentina.pdf">http://statements.unmeetings.org/media2/7663607/argentina.pdf</a> |
| <b>Australia</b>                            | Legal Adviser (International) at Australian Department of Foreign Affairs and Trade, Mr. 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. 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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663525/australia.pdf">http://statements.unmeetings.org/media2/7663525/australia.pdf</a> |

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| COUNTRY        | NAME OF SPEAKER   | DATE AND TIME                       | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
|----------------|---|-------------------------------------|--|-----------------|---|
| <b>Austria</b> | Professor of International Law, University of Vienna, Professor August Reinisch             | Fri. Oct. 28th, 2016, 12:20-12:32PM | "With regard to the topic "Crimes against humanity", the Austrian delegation commends the Special Rapporteur Sean Murphy for his second report on this topic ...<br>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: ..."   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663360/austria.pdf">http://statements.unmeetings.org/media2/7663360/austria.pdf</a>       |
| <b>Belarus</b> | Not Stated  | Fri. Oct. 28th, 2016, 4:39-4:43PM   | ***** UNOFFICIAL TRANSLATION *****<br>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.<br>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.<br>...<br>According to the draft articles comments would like to make the following suggestions. ..."  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663383/belarus-2-.pdf">http://statements.unmeetings.org/media2/7663383/belarus-2-.pdf</a> |
| <b>Brazil</b>  | 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, ... "  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663380/brazil.pdf">http://statements.unmeetings.org/media2/7663380/brazil.pdf</a>         |
| <b>Chile</b>   | Legal Advisor of the Ministry of Foreign Affairs of Chile, H.E. Ambassador Claudio Troncoso | 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.<br>...<br>We support unreservedly the wording of paragraph 3 of draft article 5 on command or other superior responsibility. ...<br>...<br>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." | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663369/chile-eng-.pdf">http://statements.unmeetings.org/media2/7663369/chile-eng-.pdf</a> |

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| China   | Director General of the Department of Treaty and Law, Ministry of Foreign Affairs, Mr. XU Hong                 | Thurs. Oct. 27th, 2016, 5:48-6:02PM | <p>"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:</p> <p>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. ..."</p>  | Negative        | <a href="http://statements.unmeetings.org/media2/7663319/china-eng-.pdf">http://statements.unmeetings.org/media2/7663319/china-eng-.pdf</a> |
| Croatia | Chief Legal Advisor of the Ministry of Foreign and European Affairs, 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.</p> <p>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>       |

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| 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 | Director of International Law Department, Ministry of Foreign Affairs , 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> |
| El Salvador    | Delegation of El Salvador  | Fri. Oct. 28th, 2016, 12:49-1:04PM  | ***** UNOFFICIAL TRANSLATION *****<br>"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.<br>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.<br>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. ... "   | Positive       | <a href="http://statements.unmeetings.org/media2/7663336/el-salvador.pdf">http://statements.unmeetings.org/media2/7663336/el-salvador.pdf</a>       |
| France         | Director of Legal Affairs, Ministry of Foreign Affairs, Mr. François Alabrune          | Mon. Oct. 24th, 2016, 12:29-12:50PM | "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.<br>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.<br>...<br>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.<br>...<br>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.<br>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." | Positive       | <a href="http://statements.unmeetings.org/media2/7662909/france.pdf">http://statements.unmeetings.org/media2/7662909/france.pdf</a>                 |

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| <b>Germany</b> | H. E. Ambassador Dr. Michael Koch German Federal Foreign Office the Legal Adviser           | 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.</p> <p>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> | <b>Strong Positive</b> | <a href="http://statements.unmeetings.org/media2/7663387/germany.pdf">http://statements.unmeetings.org/media2/7663387/germany.pdf</a> |
| <b>Greece</b>  | Legal Adviser, Head of the Legal Department Ministry of Foreign Affairs, Ms. 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>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>  | <b>Positive</b>        | <a href="http://statements.unmeetings.org/media2/7663327/greece.pdf">http://statements.unmeetings.org/media2/7663327/greece.pdf</a>   |

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| Hungary                                     | Head of International Law Department<br>Ministry of Foreign Affairs and Trade<br>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) | Director General for Legal and Executive Affairs, Ministry for Foreign Affairs,<br>Ambassador Helga Hauksdóttir | Thurs. Oct. 27th, 2016, 4:57-5:07PM | "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. ..."   | Positive       | <a href="http://statements.unmeetings.org/media2/7663312/nordic-countries.pdf">http://statements.unmeetings.org/media2/7663312/nordic-countries.pdf</a> |
| India                                       | Joint Secretary & Legal Adviser Ministry of External Affairs, 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>                       |



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| <b>Indonesia</b> | Director General For Legal And Treaty Affairs<br>Ministry of Foreign Affairs, Ambassador Ferry Adamhar | Tues. Nov. 1st, 2016, 10:50-11:00AM | "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.<br>Indonesia takes note of the newly adopted four draft articles with its respective commentaries thereto ...<br>...<br>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."   | <b>Neutral</b>         | <a href="http://statements.unmeetings.org/media2/7663523/indonesia.pdf">http://statements.unmeetings.org/media2/7663523/indonesia.pdf</a> |
| <b>Ireland</b>   | Assistant Legal Adviser<br>Department of Foreign Affairs and Trade, 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.<br>...<br>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. ... "   | <b>Neutral</b>         | <a href="http://statements.unmeetings.org/media2/7663514/ireland.pdf">http://statements.unmeetings.org/media2/7663514/ireland.pdf</a>     |
| <b>Israel</b>    | Legal Advisory, 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".<br>...<br>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. ... " | <b>Strong Positive</b> | <a href="http://statements.unmeetings.org/media2/7663331/israel.pdf">http://statements.unmeetings.org/media2/7663331/israel.pdf</a>       |
| <b>Malaysia</b>  | Delegate of Malaysia to United Nations, 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 ...<br>...<br>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. ... "   | <b>Negative</b>        | <a href="http://statements.unmeetings.org/media2/7663382/malaysia.pdf">http://statements.unmeetings.org/media2/7663382/malaysia.pdf</a>   |

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| Mexico           | Statement by the Delegation of Mexico   | Fri. Oct. 28th, 2016, 3:18-3:33PM | <p>***** UNOFFICIAL TRANSLATION *****</p> <p>"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.</p> <p>...</p> <p>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.</p> <p>...</p> <p>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.</p> <p>...</p> <p>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. ...</p> <p>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."</p> | Positive       | <a href="http://statements.unmeetings.org/media2/7663372/mexico.pdf">http://statements.unmeetings.org/media2/7663372/mexico.pdf</a>           |
| Netherlands, The | Legal Adviser, Netherlands Ministry of Foreign Affairs, 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> |

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| Peru     | Advisor to the Specialized Advisory Cabinet of the Ministerial Office for legal affairs, Dr. Juan José Ruda Santolaria | Thurs. Nov. 3rd, 2016, 10:16-10:24AM | *****UNOFFICIAL TRANSLATION *****<br>"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.<br>...<br>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. ...<br>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; (li) the obligation to take the necessary measures to establish the competence of the State party to exercise its jurisdiction over the offense; (lii) 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 judicare; And (vi) the question of the fair treatment of the alleged offender." | Neutral        | <a href="http://statements.unmeetings.org/media2/7663655/peru.pdf">http://statements.unmeetings.org/media2/7663655/peru.pdf</a>         |
| Poland   | Legal Adviser Director of the Legal and Treaty Department Ministry of Foreign Affairs, Mr. Andrzej Misztal             | Fri. Oct. 28th, 2016, 3:55-4:07PM    | "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.<br>Poland takes this opportunity to present several specific comments. ... "   | Positive       | <a href="http://statements.unmeetings.org/media2/7663374/poland.pdf">http://statements.unmeetings.org/media2/7663374/poland.pdf</a>     |
| Portugal | Senior Legal Consultant Department of Legal Affairs Ministry of Foreign Affairs, Professor Patrícia Galvão Teles       | Fri. Oct. 28th, 2016, 12:36-12:44PM  | "I would like to begin my commending the Special Rapporteur, Mr. Sean Murphy, for the detailed report presented this year. ...<br>...<br>... 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.<br>...<br>Overall, the draft articles presented this year constitute a good basis and the Commission should continue to look into solutions already adopted while drafting.<br>...<br>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."  | Neutral        | <a href="http://statements.unmeetings.org/media2/7663366/portugal.pdf">http://statements.unmeetings.org/media2/7663366/portugal.pdf</a> |
| Romania  | Director General for Legal Affairs Ministry of Foreign Affairs, 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. ...<br>Turning to the draft articles provisionally adopted at this session of the Commission, ...<br>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>   |

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| <b>Russian Federation</b> | Representative of the Russian Federation  | Fri. Oct. 28th, 2016, 10:52-11:04AM | ***** UNOFFICIAL TRANSLATION *****<br>"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. ... "  | <b>Positive</b>        | <a href="http://statements.unmeetings.org/media2/7663345/russia.pdf">http://statements.unmeetings.org/media2/7663345/russia.pdf</a>       |
| <b>Singapore</b>          | Legal Permanent Mission of Singapore to the United Nations, 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."  | <b>Neutral</b>         | <a href="http://statements.unmeetings.org/media2/7663378/singapore.pdf">http://statements.unmeetings.org/media2/7663378/singapore.pdf</a> |
| <b>Slovakia</b>           | Director of the International Law Department Ministry of Foreign and European Affairs of 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. ...<br>...<br>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.<br>We fully support also all other draft articles, ...<br>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." | <b>Strong Positive</b> | <a href="http://statements.unmeetings.org/media2/7663394/slovakia.pdf">http://statements.unmeetings.org/media2/7663394/slovakia.pdf</a>   |

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|--------------------|--|-------------------------------------|---|-----------------|---|
| <b>Slovenia</b>    | International Law Department Ministry of Foreign Affairs, 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 ...<br>...<br>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.<br>...<br>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. ... "   | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663385/slovenia.pdf">http://statements.unmeetings.org/media2/7663385/slovenia.pdf</a>       |
| <b>Spain</b>       | Head of the International Legal Advisory Service of the Ministry of Foreign Affairs and Cooperation of Spain, Prof. José Martín and 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.<br>...<br>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. ... " | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/7663371/spain-eng-.pdf">http://statements.unmeetings.org/media2/7663371/spain-eng-.pdf</a>   |
| <b>Switzerland</b> | Name not given   | Thurs. Oct. 27th, 2016, 5:13-5:20PM | 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, ...<br>...<br>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 "  | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663314/switzerland.pdf">http://statements.unmeetings.org/media2/7663314/switzerland.pdf</a> |

## 71<sup>th</sup> Session of the UNGA Sixth Committee 2016

| COUNTRY                         | NAME OF SPEAKER  | DATE AND TIME                       | STATEMENT  | STATEMENT CODE  | HYPERLINK   |
|---------------------------------|--|-------------------------------------|--|-----------------|---|
| <b>United Kingdom</b>           | Assistant Legal Adviser Foreign & Commonwealth Office, 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> | <b>Positive</b> | <a href="http://statements.unmeetings.org/media2/7663321/united-kingdom-of-great-britain-2-.pdf">http://statements.unmeetings.org/media2/7663321/united-kingdom-of-great-britain-2-.pdf</a> |
| <b>United States of America</b> | 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>  | <b>Neutral</b>  | <a href="http://statements.unmeetings.org/media2/7663391/us.pdf">http://statements.unmeetings.org/media2/7663391/us.pdf</a>   |
| <b>Viet Nam</b>                 | 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>   | <b>Positive</b> | <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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| COUNTRY                           | NAME OF SPEAKER | DATE AND TIME | STATEMENT | STATEMENT CODE | HYPERLINK |
|-----------------------------------|-----------------|---------------|-----------|----------------|-----------|
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| <b>TOTAL GOVERNMENT REACTIONS</b> |                 |               |           | <b>36</b>      |           |
| Total STRONG POSITIVE             |                 |               |           | 4              |           |
| Total POSITIVE                    |                 |               |           | 20             |           |
| Total NEUTRAL                     |                 |               |           | 9              |           |
| Total NEGATIVE                    |                 |               |           | 3              |           |
| Total STRONG NEGATIVE             |                 |               |           | 0              |           |

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