

STATEMENT BY

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PERMANENT MISSION OF INDIA TO THE UN

ON

AGENDA ITEM 81

“CRIMES AGAINST HUMANITY”

AT THE

SIXTH COMMITTEE OF THE 75th SESSION OF THE

UNITED NATIONS GENERAL ASSEMBLY

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Mr. Chairman,

We welcome the efforts of the Special Rapporteur, Mr. Sean Murphy on the topic of “crimes against humanity” and his contribution to the preparation of the draft articles on prevention and punishment of crimes against humanity.

Mr. Chairman,

2. My delegation is of the view that existing international instruments already accommodate for crimes against humanity as punishable offences. Member States that are parties to the Rome Statute are fully aware of this fact. Our understanding is that even those member states that have not yet subscribed to the Rome Statute, their extant national legislations already capture these offences. Therefore, we would like to reiterate our position that, since international mechanisms dealing with the said matter are already in existence, the necessity for an exclusive Convention does not arise and if a need for such a Convention is felt by the wider UN membership, then the draft articles need to be thoroughly examined taking into full consideration commentaries of all Member States. However, we would like to caution that any work on this topic would lead to duplicating existing international legal mechanisms.

3. It may be recalled that during our previous discussion on the draft Resolution on Crimes against Humanity, an attempt was made to recognize the need to prevent crimes against humanity and adopt a legally binding instrument. In this context, we would reiterate our view that it is premature to draw any conclusion on the nature and format of the draft Articles without having any in-depth discussions on the draft Articles. A way forward, could be in the form of setting up a Working Group in the Sixth Committee to continue further discussions in order to arrive at a possible consensus on this important topic.

4. Finally, given the shared concerns among the member States (including India), that these Draft Articles are not necessarily based on empirical analysis of international practice and are largely put together by analogy or deduction from the provisions of other international conventions, we are of the view that these draft Articles are neither new nor universal. Thus, the proposal to have a successful conclusion of the Convention at this stage is too premature.

I thank you, Mr. Chairman.