



SIXTH COMMITTEE

CHECK AGAINST DELIVERY

Statement by

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Crimes Against Humanity

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Mr. Chairperson,

Israel attaches great importance to the work of the International Law Commission on this topic, and welcomed it from the outset, as an expression of its consistent commitment to the prevention and punishment of grave international crimes of concern to the international community as a whole, including crimes against humanity. In the interest of time, and due to the circumstances imposed on the work of the Sixth Committee because of the COVID-19 pandemic, I would like to keep my remarks brief and reference for the record my Government's statement made on this issue in the seventy-fourth session of the Sixth Committee.

First, Israel would like to recall the need for specific and well-articulated safeguards to the establishment of mechanisms for the enforcement of, and adherence to, the proposed draft articles. Israel remains concerned that enforcement and jurisdiction mechanisms under the draft articles could potentially be abused by states and other actors in order to advance political goals, or attain publicity, rather as a genuine legal tool to be utilized as a means to protect the rights of victims and to put an end to impunity for serious international crimes, in appropriate circumstances.

Israel would also like to reiterate that the draft articles should accurately reflect well-established principles of international law. Israel believes that several draft articles do not reflect customary international law, for example, draft article 6(5) that relates to the immunity of State officials, and draft article 6(8) that deals with measures to establish criminal, civil or administrative liability of legal persons.

As also noted in past statements, Israel values highly the particular attention given in the Commentary to crimes against humanity committed by non-State actors. Indeed, Israel strongly believes that any codification of "crimes against humanity" should cover crimes committed by States and non-State actors alike, due to the increased involvement of non-State actors in the commission of crimes against humanity.

Mr. Chairperson,

As a final matter, Israel would like to address the Commission's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. It appears that the discussion in the Sixth Committee last year reflected widely divergent views among Member States. Whereas some supported moving forward quickly towards adopting modalities for an international conference, others called for a more restrained and cautious approach due to the absence of consensus regarding several significant issues of substance.

Due to the importance Israel attaches to this topic, Israel maintains its view that prior to any agreement on the desired forum for the negotiation and elaboration of any convention on this subject, it is clear that further deliberation is required on several critical and outstanding issues raised by many States, including Israel. In light of the concrete and detailed comments many States have submitted regarding specific draft articles, the differences that exist, and the

importance of the subject matter, it seems inadvisable to regard the current draft articles automatically as a “zero draft” for any future process. Equally, it seems appropriate that States be given adequate time to review and consolidate their positions and effectively address outstanding issues in a process informed by the work of the Commission on this topic as a basis for such discussion. Therefore, Israel would like to reiterate its suggestion to establish a forum in the framework of the Sixth Committee in which States would come prepared to review this matter, and engage in an inclusive, robust, and efficient discussion focused on clarifying outstanding issues and resolving significant differences towards the potential elaboration of a convention.

Thank you, Mr. Chairperson.