



**INDIA**  
**भारत**

**STATEMENT BY**

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**PERMANENT MISSION OF INDIA TO THE UN**

**ON**

**AGENDA ITEM 83**

**"CRIMES AGAINST HUMANITY"**

**AT THE**

**SIXTH COMMITTEE OF THE 76th SESSION OF THE**

**UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

**13 OCTOBER 2021**

We would like to thank International Law Commission and Special Rapporteur, Mr. Sean D Murphy for his contribution on the topic of “Crimes against Humanity” and his efforts towards the preparation of the draft articles on prevention and punishment of crimes against humanity.

**Mr. Chairman,**

2. Regarding the draft Articles on Crimes Against Humanity, my delegation is of the view that existing international instruments already accommodate crimes against humanity as punishable offences. Member States that are parties to the Rome Statute are fully aware of this fact that draft articles are based on the corresponding provisions of the Rome Statute of the International Criminal Court. . 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.

3. Therefore, we would like to reiterate our position that, since international mechanism dealing with the said issues are already in place, there is no requirement of a Convention on the subject matter. In case need for such a Convention is felt by the wider UN member states, then the draft articles need to be examined in depth, taking into full consideration concerns of all Member States. My delegation opposes any work on this topic that results in duplicating existing international legal mechanisms.

4. It may be recalled that in the past during discussion on the draft Resolution on Crimes against Humanity, an attempt was made to 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.

5. Finally, given the shared concerns among the member States, 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

6. Thus, the proposal to have a successful conclusion of the Convention at this stage is premature. The legitimate concerns of Member States must not be ignored, and there should be no attempt to impose legal theories or definitions derived from international agreements that do not enjoy universal acceptance. An open, inclusive and transparent debate is needed,

Thank you Mr. Chairman.

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