



Statement by Mr. Naser Asiabipour  
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Before the Sixth Committee of the  
76<sup>th</sup> Session of the United Nations General Assembly  
on  
“Prevention and punishment of Crimes against Humanity”  
(Agenda item 83)  
New York, 13 October 2021

**Thank you, Mr. Chairman,**

My delegation extends its appreciation to the International Law Commission (ILC) for its work in providing the draft articles on the “Prevention and punishment of Crimes against Humanity” contained in the report of the ILC on the work of its seventy-first session (A/74/10) and reaffirms the Islamic Republic of Iran’s unwavering commitments to the prevention and punishment of this heinous crime.

With respect to the draft articles presented to the Sixth Committee, my delegation has expressed its comments in previous General-Assembly meetings. While reemphasizing those comments, including little reference to the general practice and opinion juris of States and failure to reach a harmonized view regarding the concept of Crimes against humanity, I would like to highlight my delegation’s approach going forward.



Recognizing that the crime against humanity is a serious crime under international law that affects the entire international community, confronting such a heinous crime also requires collective and unanimous action by the entire international community. The current fragmentation of views on both the draft Articles as well as recommendation of the ILC concerning the modalities on the fate of the draft implies a lack of consensus to address all aspects of this serious crime unanimously. In this regard, attempts to incorporate definitions emanating from non-universal instruments, let alone national laws and practices in the context of progressive development, has stymied the process by preventing the member States from further reaching consensus.

In addition, we are not convinced with the argument regarding the existence of legal lacunae in this topic. The existing legal instruments, such as the Rome Statute, the multiple parallel initiative as well as national and international practices on crimes against humanity indicates accumulation of enforced instruments instead of a normative gap. Thus, we doubt whether a new convention build up a significant development forward except cluttering the *lex lata* in this topic.

It is obvious that the political will to prevent such a heinous crime and other core crimes while also combatting impunity, as well as preventing the politicization of it, is not necessarily supposed to be driven from adopting an additional treaty instrument. On the other hand, selective as well as arbitrary and politically-motivated application of such a prospective convention for the benefit of some specific Countries is still a legitimate concern for many independent countries in accepting a new convention.



In addition, Mr. Chairman, given the interlinkage between this agenda and the agenda item on “The scope and application of the principle of universal jurisdiction” that is still under consideration in the framework of sixth Committee, we strongly believe we should push both agendas forward hand in hand.

My delegation takes notes of the several requests made by Member States to conduct further holistic and substantive consideration of the draft articles and ensure its consistency with their national laws. While the Committee is considered the appropriate forum, therefore, my delegation encourages the Committee to continue its deliberations on this agenda item, including through the consideration of the establishment of a Working Group with a view to reaching consensus.

**Thank you, Mr. Chairman**