

Statement by Pakistan on Agenda Item 81

“Crimes against Humanity”

(13 October 2021)

Madam Chair,

Pakistan appreciates the work carried out by the International Law Commission (ILC) in preparing the draft articles on this topic.

2. Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims.
3. In this regard, the Commission’s draft articles and commentaries can contribute to the strengthening of accountability by providing useful guidance to member states on this topic.

Madam Chair,

3. While the work of the ILC could be considered as a useful starting point, it is still premature to draw any concrete conclusion on the nature and format of the draft Articles without having any in-depth discussions on them first.
4. We have read with interest the numerous written submissions by others, many of which contain very detailed comments. These submissions contain many valuable ideas, but also demonstrate that there remains some divergence in views.
5. During the previous sessions, many delegations have continued to express concerns regarding the content of the draft articles. Particularly the draft articles 7, 9 and 10 are based on an expansive interpretation of the doctrine of “universal jurisdiction” on which the Committee had been unable to reach consensus, even though the item had been on its agenda for over a decade.
6. Likewise, it must be ensured that the definitions set forth in the draft articles on prevention and punishment of crimes against humanity for such crimes as enslavement, torture and enforced disappearance are consistent with those used in

the relevant United Nations conventions. Care should be taken to avoid introducing new definitions that could create uncertainty as to the interpretation of these terms.

Madam Chair,

7. Given the divergence of views, it is clear that more time is needed to allow all delegations to study the draft articles and ensure consistency with their national constitutions and laws. At the same time, it would be unwise to rush the process into using the draft ILC articles as the “basis” for a convention, or to convene an international conference for that purpose at this stage.

8. To bridge differences, a proposed 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. Only in this way it will be possible for any future Convention to be widely accepted by the international community, as well as, by those States who are not party to the Rome Statute of the International Criminal Court.

9. In conclusion, my delegation believes that the draft articles should remain open to further in-depth discussions and consideration of member states in the Sixth Committee. It is important to focus on legal issues, avoid politicization and selectivity and create a framework that genuinely addresses the issue of accountability and impunity for crime against humanity, in full conformity with the principles and objectives of the UN Charter.

I thank you.
