



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017-3505

**Statement at the 76th General Assembly Sixth Committee
Agenda Item 83: Crimes against Humanity
Julian Simcock, Deputy Legal Adviser
United States Mission to the United Nations
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Thank you, Chair.

The United States has a long and proud history of supporting justice for victims and accountability for those responsible for serious international crimes, including crimes against humanity. The United States was instrumental in the first prosecution of crimes against humanity at Nuremberg and has supported subsequent efforts to prosecute perpetrators of crimes against humanity in ad hoc international criminal tribunals, hybrid criminal tribunals, and the domestic courts of a number of countries.

Nevertheless, 75 years after the Nuremberg trials, there is no dedicated multilateral treaty on the prevention and punishment of crimes against humanity. By contrast, the prevention and punishment of genocide and war crimes are the subjects of widely-ratified multilateral treaties, which have made a significant contribution to the development of international law. The absence of such a treaty addressing crimes against humanity has left a hole in the international legal framework that we strongly believe should be addressed.

The Commission's final draft articles on the prevention and punishment of crimes against humanity are an important step in this regard. We would like to thank the Special Rapporteur for this project, Sean Murphy, for his prodigious efforts. He has brought tremendous value to this project, and we particularly appreciate his extensive consultations with Member States and his efforts to take into account their views on this topic. Robust interaction and a productive relationship between States and the ILC is vitally important to the relevance and continuing vitality of the Commission's work.

We recognize that States have a range of views on the final draft articles and the way forward. As reflected in the comments the United States submitted in 2019, we believe that, notwithstanding their many merits, the draft articles can and should be modified in certain, key respects. However, in our view, that would be best accomplished through further discussion of the draft articles by States in an ad hoc committee with an appropriately robust mandate that

recognizes the importance of this project and the gravity of this subject. An ad hoc committee should consider modalities of work that would enable a substantive and thorough exchange of views by States on the project and on the Commission's recommendation for the elaboration of a convention by the General Assembly or by a conference of States on the basis of the final draft articles.

We believe that this approach would have the greatest probability of ensuring that any future convention based on the draft articles would be effective in practice and widely ratified by States. Advancing discussion of this project towards the elaboration of a convention on the prevention and punishment of crimes against humanity should be our shared goal. Anything less would fall short of filling this critical gap in the international legal framework.

Thank you, Chair.