



Ministero degli Affari Esteri
e della Cooperazione Internazionale

Servizio per gli Affari giuridici,
del Contenzioso diplomatico e dei Trattati
Ufficio I

**Sixth Committee
77th Session of the General Assembly**

Agenda item n. 79 – Crimes against Humanity

**Statement of Italy
Delivered by Mr Enrico Milano**

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Mr. Chairperson/Madam Chairperson,

Italy aligns itself with the statement delivered by the European Union and would like to add some additional remarks in a national capacity.

With regard to the agenda item under discussion, Italy's position remains unchanged.

We welcome the decision of the International Law Commission to recommend the elaboration of a Convention on the basis of the Draft Articles on crimes against humanity.

We believe that preventing the replication in the history of mankind of such heinous crimes is a duty of the international community as a whole. This has become particularly urgent against the current international security context, especially in the light of the recent events that put the rights and the safety of civilians at special risk.

Therefore, we support the elaboration of a multilateral instrument that should set common rules aimed at preventing and punishing crimes against humanity, following the example of the existing international conventions on war crimes and on genocide.

In order to achieve this purpose, we have the honor to report that Italy is working on the elaboration of a Code of International Crimes at a national level, as envisaged by the **eight preambular paragraph** and by **Draft Articles 4(a) and 6 of the ILC Draft Articles**. Indeed, although many of the specific offences falling under the category of crimes against humanity are punishable through specific provisions already existing in our legal system, we recognize the importance of criminalizing crimes against humanity as such, given their major severity and the progresses made in international criminal justice in the last three decades. This could also

contribute to foster the accountability for international crimes at the international level, in the light of the fact that the International Criminal Court may only exercise its jurisdiction if the competent national court is unable or unwilling to do so.

In elaborating our Draft Code we are giving full consideration to the work of the International Law Commission in this field. In particular, we are considering the inclusion of a provision concerning immunity *ratione materiae* before national criminal tribunals, which is meant to reproduce Draft Article 7 of the Draft Articles on Immunity of State officials from foreign criminal jurisdiction. Since crimes against humanity are often committed by State officials acting pursuant to a State policy, Italy would recommend the inclusion of a similar provision in the domestic normative acts that may be elaborated consistently with the Draft Articles. We believe this would make national jurisdictions more effective.

Finally, like other delegations, Italy's delegation finds it regrettable that the negotiations over the resolution on crimes against humanity in the last years have produced no tangible results. We urge all delegations to constructively engage in the process and we support the establishment this year of appropriate procedural mechanisms to advance the goal of a convention on crimes against humanity.

Thank you Mr. Chairperson/Madam Chairperson.