



United Nations General Assembly | Sixth Committee

**Crimes against humanity
(Agenda item 78)**

10 October 2022

(check against delivery)

Mr. Chair,

The ILC work on the topic of crimes against humanity seeks to fulfill an important gap in the international system, which already relies on global conventions to prevent and punish genocide and war crimes. Brazil has supported this process since its inception, and we consider that the set of draft articles presented to us by the International Law Commission is a good basis to guide our discussions.

History shows that the most serious crimes of concern to the international community can be intertwined with the apparatus of States. The individual and State responsibilities thus become complementary. One does not exclude the other; on the contrary, both need to be equally upheld so as to combat impunity and to strengthen international law.

We believe the draft articles should prioritize the jurisdiction of the International Criminal Court when the custody State has no nexus with the crime, the suspects or the victims. Furthermore, the draft articles would benefit from the addition of safeguards to prevent the abuse of the universality principle, such as a provision giving jurisdictional priority to States with the closest links to the crimes.

Mr. Chair,

After five years of extensive work on the topic, the ILC recommended the "elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles". Brazil believes that a global convention on prevention and punishment of crimes against humanity might serve as an important additional piece in the current framework of international law. Despite widespread support from States, progress on this topic has stalled in this Committee over the past three years. Unfortunately, this is also the case of ILC draft articles on other agenda items.

Mr. Chair,

The Sixth Committee has an unfulfilled task for this session, which is to agree on a structured process of drafting a convention that could be universally ratified. For that end, it is imperative to prioritize a negotiation framework that provides the legitimacy and inclusiveness needed to the discussions. Brazil is ready to engage in this exercise. In light of the variety of views expressed in this Committee over the past years, Brazil believes it is now time to move our discussion into a structured conversation. The participation of all Member States under an ad hoc committee could ensure that a dialogue proceeds in the intersessional period. This measure would allow Member States to explore matters of substance in a thorough manner.

To conclude, it is important to reflect in the present session on the relationship between the ILC and this Committee. The Sixth Committee should not run the risk of being seen as an obstacle to the ILC's ability to undertake the codification and progressive development of international law. On the contrary, the Sixth Committee and the ILC must continue to work in close synergy, with the common purpose of preserving and strengthening the integrity of international law.

I thank you.