



**STATEMENT BY  
DELEGATION OF THE REPUBLIC OF INDONESIA  
TO THE UNITED NATIONS**

**at the Sixth Committee of the  
Seventy-seventh session of the UN General Assembly**

**Agenda Item 78:  
“Crimes against Humanity”**

**NEW YORK, 11 OCTOBER 2022**

**Mr. Chair,**

1. Indonesia attaches great importance to the work of the International Law Commission (ILC) on the topic of crimes against humanity and welcomes it as an expression of Indonesia's commitment to the prevention and punishment of grave international crimes to the international community as a whole.
2. We once again wish to thank all members of the ILC and Special Rapporteur Sean Murphy for their dedication and relentless work in preparing the "Draft Articles on Prevention and Punishment of Crimes against Humanity," as reflected on the Report of the ILC (Doc. A/74/10).
3. Crimes against humanity are horrendous crimes, which international community cannot be indifferent to these crimes.
  - We need to do all that we can to prevent them; and
  - It is our collective responsibility to end impunity and denying safe haven to individuals who committed such crimes.
4. Crimes against humanity, together with genocide and war crimes, are the most serious crimes of concern to the international community as a whole.
5. Crimes against humanity may be more widespread than genocide or war crimes, as they may occur in situations not involving armed conflict and do not require the intent to destroy certain groups of people, in whole or in part, as the crime of genocide does.

**Mr. Chair,**

6. Indonesia has closely followed the development of this topic, including last year's adoption of resolution 76/114, as well as the year before.
7. The Committee continues to face divergence of positions, particularly on the way forward.
8. My delegation cannot emphasize enough the importance of having a consensus in responding to paragraph 42 of the ILC's report regarding the Draft Articles.
9. Therefore, consultations are necessary to deepen understanding and hence bring us closer to consensus.
10. But the ultimate aim should be to ensure progress.

**Mr. Chair,**

11. On the Draft Articles prepared by the ILC.
12. Indonesia welcomes the formulation of Articles 6 and 7 of the Draft Articles on the criminalization under international law and establishment of national jurisdiction respectively.
13. It is important to ensure the preservation of the **primary responsibility** of States to exercise their national criminal jurisdiction with respect to

crimes against humanity occurred in its territory, and to ensure the effective prosecution of such crimes at the national level.

14. In this regard, Indonesia enacted Law No. 26 Year 2000 on the Human Rights Court, a Law that criminalized crimes against humanity and established its national jurisdiction.
15. Based on the Law, the Human Rights Court has the authority to hear and rule on cases of crimes against humanity, including cases perpetrated by Indonesian citizens outside the territory of Indonesia.
16. The Law provides definition of the crimes against humanity similarly to the definition given by the 1998 Rome Statute, including the elements constituting the crimes.
17. The judicial procedures are well described encompassing every phase of the judiciary process, from the arrest, detention, investigation, prosecution, hearings and sentencing.
18. The Law also provides provisions on the protection of witness and victims of crimes against humanity, while also guaranteeing fair treatment of the alleged offender, at all stages of the proceedings.
19. In addition, to further complement the national legal infrastructure, Indonesia also stresses the importance of cooperation among states.
20. In this regard, until today, Indonesia has concluded 13 Extradition Treaties (ET) and 10 Mutual Legal Assistance in Criminal Matters

Treaties (MLAT) with other countries, as well as one regional MLA Treaty among ASEAN countries,

→ And still committed to further cooperation in international criminal law matters to deny safe heaven and impunity of such crimes.

**Mr. Chair,**

21. Indonesia stands ready to engage positively in the discussions, both on the substance and on procedural issues, in order to decide the best way forward to attain progress, in a consensual manner.

22. Thank you.

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