

**Statement delivered by Rabia Ijaz, Second Secretary
Permanent Mission of Pakistan to the United Nations, New
York during the General Debate of the Sixth Committee on
Agenda Item 80 “Crimes Against Humanity”**

12 October 2023

Madam Chair,

Pakistan reiterates its appreciation to the International Law Commission for its work on this crucial issue.

2. Crimes against humanity are among the most severe transgressions that alarm the international community. Major crimes against humanity are being committed even as we speak, in Palestine, in Occupied Jammu and Kashmir and in other situations of oppression, occupation and violence.

3. Pakistan is deeply concerned by the cycle of occupation, oppression and violence in Palestine. The rapidly deteriorating and dire humanitarian situation in Gaza due to the indiscriminate aerial bombardment, including of civilian and even protected UN targets, and an inhumane blockade of food, fuel and medicines, as collective punishment of the entire Palestinian population of Gaza by Israeli Occupation forces are unacceptable. These actions amount to war crimes and crimes against humanity.

4. The current cycle of aggression and violence is a sad reminder and a direct consequence of over seven decades of illegal Israeli occupation, aggression, and disrespect for international law, including UNSC resolutions that recognize the inalienable right to self-determination of the Palestinian people. The international community must work together for a just, comprehensive and lasting two-state solution with a viable, sovereign and contiguous State of Palestine on the basis of pre-1967 borders, with Al Quds Al-Sharif as its capital. Peace in the Middle East will remain elusive in the absence of such a solution.

Madam Chair,

5. The necessity for global cooperation to eradicate impunity for culprits and to ascertain justice for victims cannot be overstated. The Commission's draft articles and commentaries, in this respect, act as a vital instrument in reinforcing accountability, providing practical and insightful guidance to States on this issue.

6. Indeed, the draft ILC articles serve as an instrumental kick-off point. However, it still remains too soon to establish any solid conclusions regarding the essence and layout of the draft Articles. The discussions on the content of the draft articles that took place during the resumed 77th session of the 6th Committee in April of this year were indeed insightful. Nonetheless, we look forward to another round of discussions scheduled for the coming year. Pakistan has keenly reviewed the submissions made by Member States and eagerly awaits further comments from other Member States, which are due by December 2023. Pakistan will also be contributing its written remarks prior to this deadline.

Madam Chair,

7. We have observed that both the discussions surrounding the content of the draft Articles and the submissions from Member States are rich in valuable insights. However, they also highlight that a certain degree of disparity in viewpoints still persists.

8. In past sessions, numerous delegations have persistently voiced concerns related to the content of the draft articles. Most notably, draft articles 7, 9, and 10, which are grounded in a broad interpretation of the "universal jurisdiction" doctrine, have raised concerns. This doctrine is a subject on which the Committee has yet to reach a consensus.

9. Similarly, it is vital to ensure that the definitions outlined in the draft articles on the prevention and punishment of crimes against humanity - specifically for crimes such as enslavement, torture, and enforced disappearance - align with those stated in the corresponding United Nations conventions. We must exercise caution to prevent the introduction of new definitions that could

lead to ambiguity and inconsistency in the interpretation of these terms.

Madam Chair,

10. Considering the variety of perspectives, it is evident that additional time is still required for all delegations to meticulously examine the draft articles and confirm their compatibility with their respective national constitutions and laws. Concurrently, it would be imprudent to hasten the process by using the draft ILC articles as the foundational basis for a convention, or to call for an international conference with that objective at this point.

11. In order to harmonize differing perspectives, it is judicious to persist with discussions in the framework of resumed sessions of the Committee, that can foster the development of consensus. Additionally, this approach stands as the most effective way to ensure that any forthcoming Convention is widely embraced by the international community. This includes those States not currently party to the Rome Statute of the International Criminal Court, especially given that the draft articles draw inspiration from this very Statute.

Madam Chair,

12. In conclusion, my delegation is convinced that the draft articles should continue to be subjected to thorough discussions and evaluations by Member States in the Sixth Committee. My delegation will constructively engage in discussions with other delegations on these significant matters surrounding the draft Articles. This includes discussions on the necessary steps to be taken concerning the draft Articles.

13. It is crucial to concentrate on legal matters, steer clear of politicization and selectivity, and establish an objective and sound framework that addresses the issue of accountability and impunity for crimes against humanity. All these efforts should strictly adhere to the principles and objectives of the UN Charter.

I thank you.
