



Permanent Mission of Italy  
UN - New York

## **Agenda item n. 80 – Crimes against humanity**

### **Statement of Italy**

**delivered by Mr Enrico Milano**

Thank you Mr Chair,

Mr Chair,

At the outset, let me state that Italy aligns itself with the statement delivered by the distinguished representative of the European Union and by the distinguished representative of The Gambia on behalf of a group of States.

Italy wishes to take the opportunity of the debate on this agenda item to reiterate its support for the ILC recommendation that a convention be elaborated on the basis of the Draft Articles on Crimes against Humanity approved by the ILC in 2019.

We welcome the substantive engagement of delegations in the framework of the resumed session of the Sixth Committee held last spring, which is a concrete sign of the renewed interest of member States in the work of the Sixth Committee as a deliberative organ promoting the progressive development and codification of international law.

The Draft Articles on Crimes against Humanity constitute a solid basis for the negotiations of a global convention facilitating cooperation among States in this

field, in order to ensure justice and accountability for the perpetrators of these heinous crimes. It is not acceptable that 75 years after the conclusion of the UN Convention on the Prevention and Repression of Genocide and the 1949 Geneva Conventions, the international community is still lacking a global legal instrument addressing horizontal cooperation on crimes against humanity.

At the same time, Italy would like to highlight the need for full coordination between future negotiations on a convention stemming from the ILC Draft Articles and parallel, complementary international legal instruments promoting judicial cooperation on the prosecution of international crimes. Areas of legal overlapping with regard to judicial cooperation on crimes against humanity should not result in inconsistencies complicating the task of national law-makers when incorporating those instruments in their domestic legal order. For instance, while cognizant of the *pacta tertiis* principle, we are of the view that the Rome Statute should represent a solid point of reference for the definitions that will be adopted in a future convention.

Furthermore, Italy appreciates the inclusion in the draft articles of rules guaranteeing that any criminal prosecution on crimes against humanity, notwithstanding their particularly heinous character, is conducted in compliance with the principles of due process and fair trial, with international human rights law and with international humanitarian law when applicable. We are of the view that those provisions should be fully reflected in the future instrument.

Mr Chair,

Let me conclude by saying that our delegation will continue to contribute to the advancement of the process leading to an international conference for the adoption

of a convention on the prevention and punishment of crimes against humanity, including through substantive engagement in the resumed dedicated session that will take place in April 2024.

I thank you.