

STATEMENT OF
THE DELEGATION OF THE REPUBLIC OF INDONESIA
ON THE SECOND RESUMED SESSION OF THE SIXTH COMMITTEE
TO CONTINUE ITS CONSIDERATION OF AGENDA ITEM 80
ON CRIMES AGAINST HUMANITY

**Thematic Cluster 5: Safeguards (Articles 5, 11, and 12)
of the International Law Commission Draft Articles
on the Prevention and Punishment of Crimes against Humanity**

Thursday, 4 April 2024

Thank you, Mr. Chair,

The draft articles within **Thematic Cluster 5, namely Draft Articles 5, 11, and 12** hold particular relevance for Indonesia, as they prescribe issues of **Safeguards**.

These articles address issues ranging from equitable treatment of alleged offenders... to safeguarding the rights of victims and witnesses.

We therefore welcome these draft articles and take note of the comments made by member states regarding these matters.

Indonesia recognizes the significant roles played by draft articles 5, 11, and 12, as we deliberate on the importance of achieving balance between outlining a potential future convention and leveraging existing national criminal systems.

With that in mind, I would like to offer several observations.

First, Indonesia asserts that States should retain the ability to make reservations to the possible future convention.

This ensures that the final formulation of the dispute settlement mechanism can be adhered to by States as appropriate.

Second, we advocate for the inclusion of a non-retroactivity clause in this prospective convention.

Drawing examples from similar clauses in the Rome Statute we could use the Statute's non-retroactivity clauses as a viable approach.

While recognizing that States may adopt varying approaches to transitional justice, whether judicial or non-judicial we believe this approach could prove beneficial in ensuring coherence and effectiveness of the future convention.

I thank you.
