



UNITED STATES MISSION TO THE UNITED NATIONS

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United States Statement
April 2024 Resumed Session of the Sixth Committee:
ILC's Draft Articles on the Prevention and Punishment of Crimes Against Humanity
ILC Recommendation
Intervention by Mark Simonoff, Legal Adviser, US Mission to the United Nations
(as delivered on April 4, 2024)

Thank you, Mr. Chair. The United States welcomes the opportunity to address the ILC's recommendations.

The United States recognizes that a convention on the prevention and punishment of crimes against humanity could serve important purposes by strengthening the international legal framework for preventing and punishing crimes against humanity.

The process over the past two years has been extraordinarily fruitful. We have appreciated the opportunity during last year's and this year's resumed sessions of the Sixth Committee, to have a robust, in-depth discussion of the substance of the draft articles. Having a dedicated time and space during resumed sessions to engage in this intensive debate has proven very beneficial. We have also benefited from the written submissions made by so many Member States. In noting the progress we've made, we also recognize the need for the Sixth Committee to take an affirmative step forward. In 2022, the General Assembly decided that the Sixth Committee would take a decision during the 79th Session on this matter. The United States supports the Sixth Committee taking a decision in October to begin a process to negotiate a convention on the prevention and punishment of crimes against humanity. We also look forward to engaging on modalities for any future negotiation.

Some delegations have noted that differences remain among the delegations regarding various substantive issues in the draft articles. Some delegations may take the position that it is premature for the Sixth Committee to decide to begin a process to negotiate a crimes against humanity convention at this stage. We disagree. Although the United States shares the opinion raised by these delegations that there are still important substantive issues that remain in the Draft Articles, the United States does not view this as an obstacle to moving forward. The fact that there are substantive differences on some aspects of crimes against humanity should not prevent the Sixth Committee from moving forward with a process to negotiate a convention on the prevention and punishment of crimes against humanity. Rather, these substantive differences of views can themselves be the subject of negotiation. In order to address concerns and take the next step to substantively engage with this text, we should begin a negotiation process. If substantive differences were to prevent the launching of a multilateral treaty negotiation, then there would never be such treaty negotiations at all. We do not think there must be consensus on

all substantive aspects of these draft articles in order to achieve consensus on a decision to launch a treaty negotiation process.

Thank you, Mr. Chair.