



United Nations General Assembly | Sixth Committee

**Crimes against humanity
(Agenda item 80)**

October 9th, 2024

(check against delivery)

Mister Chair,

[My delegation aligns itself to the statements to be delivered by Cabo Verde, on behalf of the Community of Portuguese Language Countries, and by XXX on behalf of some GRULAC countries].

Brazil is grateful to the Gambia and Mexico for having taken the initiative that led to resolution 77/249 and now for proposing a draft resolution that will give a concrete follow-up to the International Law Commission's draft articles on crimes against humanity.

Not only did those proposals provide a welcome focus to the discussions on this topic, but they are also a remarkable example

of how the Sixth Committee can give appropriate treatment to the products of the International Law Commission.

During the two resumed sessions of 2023 and 2024, Brazil had the opportunity to delve into the draft articles' legal minutiae. It has also greatly benefitted from other States' views on the articles and became acquainted with particularities of diverse legal cultures.

In my government's view, the articles are a good basis for the elaboration of an international convention on crimes against humanity. Still, there is room for improvement. Like other Member States, we also have concerns over specific provisions.

We have suggested adjustments to their content without precluding possible changes in our stances at the stage of actual negotiations. Motivated by the need to reinforce the legal certainty of some provisions, these suggestions are related, inter alia, to mental elements; the description of certain conducts that amount to a crime against humanity; the possibility of inclusion of new conducts not referred to in the draft articles that would also be crimes against humanity; the primary jurisdiction for their prosecution; and safeguards connected with extradition.

We also witnessed Member States exchanging differing views on matters that, important though they are, are tangential to the core of the draft articles.

Differences are natural and expected against the rich, multifaceted backdrop of legal traditions that the Sixth Committee has the privilege to provide. Those differences have not prevented us from acting in other critical moments in history in which the international community had to answer to the call of duty.

The Mexican and Gambian draft resolution is presented to us in this special juncture where, in the face of widespread conflict and blatant disregard for international law, our societies expect us to fight against impunity. They need our action to fill a glaring gap in international law in having a convention that would ensure the prosecution of crimes against humanity by domestic courts, as well as international cooperation for their prevention and punishment.

The draft resolution does not pre-judge what our positions will be when we finally seat at the negotiating table. On the contrary, it will provide us with an opportunity to voice our concerns, to refine the content of the draft articles and to expose and settle our differences for the benefit of humankind.

Understandably, some among us may express doubts whether the current historical circumstances are the most favorable ones for the negotiation of a landmark instrument of international criminal law. We are faced with a pervasive polarization that weighs on us and frequently hampers our ability to look into matters in an impartial, technical manner.

But we can ask ourselves: will there ever be an ideal moment? Time is of essence, especially when it comes to the preservation of human life and dignity. That is why we must set fears aside and agree on a plenipotentiary conference to elaborate and conclude a convention on crimes against humanity in 2026. A convention, as soon as possible, is in the interest of us all.

Furthermore, Brazil expects that the progress we are achieving on this topic will serve as an example. An encouragement for us to consider other items on the Sixth Committee agenda that also merit codification and progressive development under international law.

Thank you.