

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**In the name of God the most Compassionate, the most Merciful  
Statement by the Representative of the Islamic Republic of Iran**

**before**

**the Sixth Committee of the 79<sup>th</sup> session  
of General Assembly of the United Nations**

**Agenda Item 80: the Prevention and Punishment of  
Crimes against Humanity  
October 2024 – New York**

**Mr. Chair,**

I would like to commence by expressing gratitude to the International Law Commission for the efforts made in presenting the report regarding “Draft Articles on the Prevention and Punishment of Crimes against Humanity” and in preparation of the said Draft Articles. The Islamic Republic of Iran attaches great importance to countering crimes against humanity and highlights its commitment to actively engage in the works of the Committee on this matter as we have demonstrated in the previous related meetings.

We have preliminarily submitted our written comments regarding the Draft Articles in 2023 as per resolution 77/249 and in this regard would like

to thank the Secretariat for preparing the relevant report contained in document A/78/717. My delegation has also actively engaged in the two resumed sessions of the Committee which were held in 2023 and 2024. Throughout these sessions as well as the annual sessions of the Committee, we have reflected our position, considerations, and substantive comments as to various provisions of the Draft Articles. Nevertheless, upon the conclusion of the resumed sessions of the Committee and having heard the views of other delegations in these sessions, we consider it quite opportune to touch upon a few points pertaining to the Draft Articles while reiterating the positions made by my delegation in previous sessions.

**Mr. Chair,**

We have previously voiced our concern over scanty reference to general practice and *opinio juris* of States and failure to reach a harmonized view regarding the very concept of “*Crimes against humanity*”.

The definition of *crimes against humanity* should incorporate a reasonable and well-defined threshold, and the *actus reus* elements for attaching criminal responsibility need to be precise; this is to ensure that:

- (1) conduct established as an offence commensurate with the gravity of the crime in question, and thus could qualify as a crime against humanity;
- (2) it enjoys sufficient legal exactitude as to the very severity of crimes so that other less egregious crimes do not fall within the category of international crimes;

(3) it avoids divergence of approaches and fragmentation of international law in terms of what constitutes as crimes against humanity. Having due regard to this matter would contribute to an important objective of the Draft Articles which in view of the Commission is the “harmonization of national laws”.

However, the current formulation of draft article 2, specifically, the reference made in paragraph 3 of Article 2 indicating discretion for adoption of a broader definition of the crime is in contradiction with such an approach. Opting for having a much broader range of definitions that could possibly lead to qualification of less atrocious conducts of even a different nature from that of crimes against humanity also runs afoul of the very purpose sought in establishing the offences in question as crimes of serious concern to the international community as a whole; this comes into conflict with the very classical perception of *delicta juris gentium*. Such an approach which has also been noted by some other member States could implicate the already debatable exclusion of double criminality and could therefore affect international cooperation, undermining efforts in deterring these crimes *ab initio* and in ensuring accountability *ex post* as aspired to in the commentary. We are doubtful if a broader definition of the crime including certain elements espoused by some delegations in the resumed sessions of the Committee could contribute to the realization of the objective envisaged by the Commission.

**Mr. Chair,**

In developing the Draft Articles, analogy has been made with conventions against corruption and transnational organized crime, namely

the UNTOC and the UNCAC, which is far from convincing; as previously expressed by many member States, premising a new international legal framework on crimes against humanity upon the said instruments simply because they are related to countering crimes is not reasonable. Various relevant international instruments and bilateral judicial assistance agreements provide sufficient legal bases for prevention and punishment of crimes against humanity. Preventing and countering such atrocious crimes effectively requires due regard for strengthening international cooperation within the existing relevant applicable instruments in accordance with international law as well as performance of obligations in good faith.

As such, the lacunae should be sought in international cooperation in fighting crimes against humanity rather than existing international obligations in this regard. Politicization, selectivity and abuse of international legal frameworks for advancing political agendas are what obstruct serving of justice to perpetrators of crimes against humanity. A clear example in this respect is the persistent brutal widespread and systematic attacks directed by the Israeli regime against Palestinians which manifestly attest to the fact that the mere existence of a treaty framework cannot stop these atrocious crimes, rather effective implementation of the existing obligations in good faith free from politicization on the part of the international community can pave the way for effective prevention and countering of crimes against humanity. Unfortunately, due to the inaction of the international community, the Israeli regime continues to commit abhorrent crimes against Palestinians and Lebanese people, in particular, genocide and crimes against humanity. Such regrettable inaction results directly from double standards and selectivity, not lack of legal frameworks.

The Israeli regime is deliberately inflicting severe conditions of life upon the Palestinian population; on a daily basis, it carries out systematic and widespread attacks which has killed thousands of Palestinians including women and children while inflicting gross bodily harm to thousands of Palestinians. We condemn in the strongest possible terms such heinous crimes committed by the Israeli regime against Palestinians and other people of the region and reiterate that the international community must immediately stop the Israeli regime from perpetrating these egregious crimes while holding it fully accountable for the crimes it has perpetrated. This is the moral and legal duty of the international community as a whole; discussions within the Committee on the importance of fighting crimes against humanity is important but all these would be void if not translated into condemnation of crimes against humanity committed by the Israeli regime.

**Mr. Chair,**

There is little doubt that highly divergent views exist on the content of the Draft Articles as well as their final form. Like many other member States, we are not yet convinced of the need for a convention on crimes against humanity, fighting crimes against humanity requires genuine implementation of the existing obligations free from politicization and selectivity. We would like to reiterate that the idea of drafting a new convention on crimes against humanity is premature, and still needs serious assessment. Nevertheless, the present committee remains the sole appropriate forum for continuation of deliberations under this agenda item.

Last but not least, given the importance of moving forward with a holistic approach regarding all existing works of the ILC pending before the Sixth Committee, my delegation expresses its dissatisfaction regarding the selectivity of the ILC's products whereby several topics have remained pending before this Committee for years before the submission of the draft articles on Crimes against Humanity.

**Thank you Mr. Chair.**