



**THE SOCIALIST REPUBLIC OF VIET NAM  
PERMANENT MISSION TO THE UNITED NATIONS**

**STATEMENT**  
**by the Delegation of Viet Nam**  
**at the Sixth Committee of the 79<sup>th</sup> Session of the General Assembly**  
***Agenda item 80: “Crimes against Humanity”***  
*New York, 14 October 2024*

*Please check against delivery*

*Mr. Chair,*

Crimes against humanity are universally acknowledged as among the most serious offenses under international law. Their consequences, whenever and wherever they occur, inflict enduring harm on both victims and their nations and always impact on the maintenance of international peace and security. Together with other Member States and international community, Viet Nam reaffirms its unwavering commitment to the prevention and punishment of crimes against humanity, adhering to the principles established in the United Nations Charter, including respect for national sovereignty and non-interference in domestic affairs.

To manifest this commitment, we have for long integrated it into our Criminal Code, which imposes the most severe penalties for such crimes. Viet Nam firmly believes that the primary responsibility for preventing and punishing these serious crimes lies with individual States. It is crucial to strengthen the States' capacity to discharge this responsibility, including through enhanced international cooperation. Comprehensive and sustainable solutions to address the prevention and punishment of these crimes, as well as their root causes, can only be achieved through national measures in their domestic judicial institutions, considering their inherent complexity in evidence collection and standard of proof. International criminal mechanisms should be designed to assist the national efforts in a complementary fashion without duplicating or replacing national authorities.

Viet Nam shares the view that further international efforts are necessary to prevent and punish these crimes. We thus commend the work of the International Law Commission in preparing draft provisions on the prevention and punishment of crimes against humanity, which have laid the foundation for further discussions. The resumed sessions organized in pursuant to the General Assembly Resolution A/RES/77/249 have demonstrated significant efforts by states to address the pressing issue of crimes against humanity, yielding substantive and valuable insights. We support the need for a continued, comprehensive study of the draft articles to ensure their consistency with the principles of international law and the Charter of the United Nations, as well as their compatibility with national laws. The discussion should also consider the recent development at the International Court of Justice in its judgments in this specialized field of international law.

*Mr. Chair,*

Should an international convention be developed on this basis, it is crucial that it reflects the diverse national experiences and legal systems while adhering to fundamental principles of international law, particularly those enshrined in the United Nations Charter, including respect for national sovereignty and non-interference in domestic affairs. This alignment will be important for the Convention's effective and universal implementation and contribute positively to the maintenance of international peace and security. Accordingly, the future convention should highlight a critical role of the United Nations, including the Security Council, in assessing the implication for international peace and security so that unilateral coercive actions are not authorized and prevented in accordance with the UN Charter. It is also required that the future Convention has a clear provision to protect national sovereignty and prevent any attempt to interfere with domestic affairs of States. In the same vein, the primary role and independence of domestic courts in the admission and evaluation of evidence as well as determining relevant substantive rules should be respected and guaranteed. In addition, the new reality of digital evidence should be incorporated into the text in the collection, evaluation and sharing processes. Finally, the Convention will not violate fundamental immunity rules of customary nature for Troika.

*Mr. Chair,*

However, before delving into the negotiation process, the Committee should discuss and agree clearly about the negotiation rules for negotiators. In our view, the negotiations for an international treaty should only start when the international community is ready and be conducted on the consensus basis with good will and mutual respect towards a common goal. Accordingly, this process should move as carefully and cautiously as needed and require thoughtful deliberation and preparation within the United Nations framework, including by the Sixth Committee. Indeed, the United Nations is occupied with multiple requests to codify different sets of international rules and will need to prioritize the ones that could make the most impact on the global scale. At the juncture and considering the maturity of the discussion, this delegation is not yet convinced that this topic satisfies the level of urgency and priority that we would expect the UN as the unique global institution to react and spare limited resources with a new Convention where most countries themselves have already codified and criminalized in their domestic laws.

*Mr. Chair,*

In this context, we acknowledge the various views expressed regarding the proposed ways forward to foster our deliberation of this topic. Viet Nam remains ready to actively engage in and support efforts and mechanisms, based on consensus, to advance discussions on this critical issue within the United Nations, including in the Sixth Committee.

*Thank you, Mr Chair./.*