United Nations General Assembly | Sixth Committee

Crimes against humanity
(Agenda item 83)

13 October 2021

(check against delivery)

Madam Chair,

Brazil expresses its appreciation to the International Law Commission for its work on the topic of crimes against humanity. Since the inclusion of the topic in its program of

Another comment that Brazil had wished to see reflected in the final ILC product refers to issues of jurisdiction. While there is no doubt on the need to ensure accountability for crimes against humanity, the means to attain this goal must take into account international law developments and the environment in which it operates. The ILC work on crimes against humanity seeks to fulfill a gap in the international system, which is already based on global conventions to prevent and punish genocide and war crimes. Differently from the 1948 Genocide Convention or the 1949 Geneva Conventions and their additional protocols, which entered into force before the existence of the International Criminal Court, the draft articles on crimes against humanity are subsequent to the establishment of the Rome Statute system. As a consequence, its provisions must strengthen that system, including by prioritizing the International Criminal Court when the custody state has no nexus with the crime, the suspects or the victims. Furthermore, the draft articles would benefit from the addition of safeguards to prevent the abuse of the universality principle, such as a provision giving jurisdictional priority to states with the closest links to the crimes.

Madam Chair,

After five years of extensive work on the topic, the ILC recommended the "elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles". Brazil joins the large number of States that favor the elaboration of such Convention. The set of draft articles presented to us by the International Law Commission constitutes a good basis to guide our discussions.

The Sixth CommTm [ID 7/Lant(n)6(e)-28(S)-2(ixh(sis)-16-2(ix-3(ity)10(12(a)6(iv)12(ef)-20l-5(v)12