

Resumed session – Crimes against humanity (Cluster 5)

rights. At the same time, Article 11 paragraph 2 recognizes the rights of persons in the custody of the authorities of a foreign country: a) to communicate without delay with consular authorities of the State of nationality; b) to be visited by those authorities; and c) to be informed of their rights under the same provision. Paragraph 2 of draft Article 11 is fully in accordance with Article 36, paragraph 1, of the Vienna Convention on Consular Relations. Moreover, similarly to Article 36 of said Vienna Convention, paragraph 3 has provision for the more detailed requirements and conditions established under the national criminal legislation of the State.

Finally, Italy welcomes the insertion of draft Article 12 on the rights of victims of crimes against humanity, in accordance with most recent international human rights treaties and the statutes of international criminal courts and tribunals, including the Statute of the International Criminal Court. That includes participation in criminal proceedings in accordance with the national law of the State where criminal jurisdiction is being exercised. Italy can also support the provision under paragraph 3 on the right to reparation of victims as it is drafted in broad terms as encompassing different types of reparation that can be provided under national legislation, including compensation, restitution, satisfaction and rehabilitation.

s submission on Cluster 5.