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United States Statement
April 2024 Resumed Session of the Sixth Committee:
ILC’s Draft Articles on the Prevention and Punishment of Crimes Against Humanity
Cluster 4 (International Measures: Arts. 13, 14, and 15 and Annex)
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(as prepared)

Thank you, [Mr./Madame Chair]. The United States welcomes the opportunity to address the provisions of the Draft Articles relating to international measures.

The United States recognizes the important role Articles 13 and 14 play in the overall structure of the Draft Articles. In particular, we note that cooperation between States in matters relating to extradition and mutual legal assistance in cases involving crimes against humanity is vital to international efforts to prevent and punish such crimes. As history has shown, crimes against humanity rarely respect international borders. We recognize that some States have expressed concerns that certain terms, such as “crime against humanity” or “crime against the humanity of mankind,” are too vague. In that regard, we note that there are widely ratified instruments, such as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, that address extradition and mutual legal assistance with respect to specific crimes. In general, the United States believes closely following those provisions, with which a large number of States are familiar, is beneficial.

Turning to Draft Article 15, paragraph 2, we recognize the important role that the International Court of Justice can play in settling disputes concerning the interpretation or application of any future convention on the prevention and punishment of crimes against humanity. At the same time, we welcome the inclusion in paragraph 3 of a process by which States could declare that they do not consider themselves bound by paragraph 2. In this regard, we note that conventions under which States may make reservations to or otherwise opt out of the Convention on the Prevention and Punishment of Crimes Against Humanity, the Convention on Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are more likely to be widely ratified by States.

We also note the suggestion made by some delegations during the April 2023 resumed session of the Sixth Committee under any future convention on crimes against humanity. We recognize the important role that various human rights treaties, including, for instance, the International Covenant on Civil and

Political Rights (ICCPR) and the CAT and look forward to discussions on this issue.

With respect to the Annex, we continue to believe that paragraph 2 could benefit from streamlining.

Thank you, [Mr./Madam Chair].