

STATEMENT OF
THE DELEGATION OF THE REPUBLIC OF INDONESIA
ON THE SIXTH COMMITTEE RESUMED SESSION
TO CONTINUE ITS CONSIDERATION OF AGENDA ITEM 78
ON CRIMES AGAINST HUMANITY

THEMATIC DEBATE 1
– PREAMBULAR PARAGRAPH AND DRAFT ARTICLE 1 –
OF THE INTERNATIONAL LAW COMMISSION ON DRAFT ARTICLES
ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST HUMANITY

Monday, 10 April 2023

Thank you, Mr. Chair,

1. The Commission commenced its work on the topic of crimes against humanity in 2014...and also appointed Mr. Sean D. Murphy as Special Rapporteur.
2. The Draft Articles itself has been through readings twice by the Commission, in 2017 and 2019.
3. In total, it has been nine years of process....to make progress of this ILC Draft Articles on Prevention and Punishment of Crimes against Humanity.
4. Today, we are here to exchange substantive views on all aspects of the draft articles and, in the end, to consider further the recommendation of the Commission for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries.
5. This Committee is expected to examine further the draft articles and the recommendation of the Commission and decide on this matter **without prejudice to the question of their future adoption or other appropriate action** at its seventy-ninth Session.
6. Indonesia **welcomes this process** and stands ready to engage in the discussions constructively.
7. In this regard, Indonesia wishes to sincerely thank the Secretariat and the Bureau for facilitating this discussion.

Mr. Chair,

8. Let me provide general observations of the Draft Articles, particularly issues for the first thematic cluster, namely the Preambular Paragraph and Article 1.

9. As we review the ILC Draft Articles on the Prevention and Punishment of Crimes Against Humanity, we are reminded of the critical importance of holding the perpetrators of such heinous crimes accountable.
10. Under international law, crimes against humanity, along with genocide, war crimes, and crimes of aggression, are among the gravest offenses.
11. They inflict unimaginable suffering on innocent civilians, undermine humanity's foundations, and threaten international peace and security.
12. The ILC Draft Articles on the Prevention and Punishment of Crimes Against Humanity represent a step towards in clarifying and strengthening the legal framework for preventing and punishing crimes against humanity.
13. The Draft Articles emphasize the obligation of states to take effective measures to prevent these offenses and to hold perpetrators accountable through fair and impartial judicial processes.
14. One key aspect of the Draft Articles is the recognition that crimes against humanity can be committed in peacetime as well as during armed conflicts. This is a critical acknowledgment, as it underscores the need for preventive measures, even in times of peace, to ensure that such atrocities are not allowed to occur.
15. However, my delegation observes there is still a divergence of views among member States that merit further consideration by the Committee, especially on Preambular Paragraphs 3 and 4 of the Draft Articles. It is important to strive for consensus to obtain an effective, and universally accepted legal framework in the future.

Mr. Chair,

16. Indonesia attaches paramount importance to the fight against impunity for all crimes, particularly the most serious ones, and welcomes constructive discussions aimed at forging consensus toward putting in place an effective international legal framework that would prevent and punish crimes against humanity.
17. Indonesia is ready to actively engage in the discussions, both on the substance and procedural issues, to decide the best way forward to attain progress in a consensual manner.
18. This concludes my delegation's statement for this cluster.
19. Thank you.