



Permanent Mission of Italy
UN - New York

Resumed session – Crimes against humanity (Cluster 5)

Statement of Italy

Thank you Madam Chair/Mr Chair,

My delegation aligns itself with the statement delivered by the distinguished representative of the European Union and would like to add a few brief remarks in a national capacity concerning the provisions of Cluster 5.

Italy supports the inclusion of draft Article 5 as drafted by the International Law Commission. The principle of *non-refoulement* with regard to risk of crimes against humanity is reflective of a general principle of international human rights law, which is found in the relevant provisions of the Fourth Geneva Convention, of the 1951 Convention relating to the Status of Refugees, of the 1984 UN Convention against Torture and of the 2006 International Convention on Enforced Disappearance.

Italy also finds of great importance draft Article 11, since the provision expressly recognizes the right to a fair treatment and to fair trial of the accused in accordance with constitutional guarantees and international human rights standards. Regardless of the gravity of the offence, States are under an obligation to fully respect those

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 provided under national legislation, including compensation, restitution, satisfaction and rehabilitation.

That concludes Italy's submission on Cluster 5.