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Statement by
The Delegation of Indonesia
at the Sixth Committee of the General Assembly
on
Agenda item 81:
“Crimes against humanity”
October 2020

Mr/Mdm. Chair,

At the outset, allow me to extend my delegation’s appreciation to you for the inclusion of this agenda item in the work of the Sixth Committee.

Indonesia takes note of the entire set of draft articles on “Prevention and punishment of crimes against humanity”, comprising of a draft preamble, 15 draft articles and a draft annex, together with commentaries thereto.

Hence, we would like to relate the following provisions contained within the ILC draft with Indonesia’s law on human rights court:

- **Articles 6 and 7 on criminalization under national law, and establishment of national jurisdiction, respectively; and**
- **Article 13 concerning extradition, as well as article 14 regarding mutual legal assistance.**

Mr/Mdm. Chair,

With respect to the criminalization under national law and the establishment of national jurisdiction, Indonesia has promulgated appropriate legislation since 20 years ago, namely Law No. 26 of 2000 on the Human Rights Court. Through this Law, Indonesia’s human rights court has the authority to hear and rule on cases of crimes against humanity, including cases perpetrated by Indonesian citizens outside the territory of Indonesia.

The Indonesian Law on the Human Rights Court defines crimes against humanity as any action perpetrated as a part of a broad or systematic direct attack on civilians, in the form of 11 actions such as murder, extermination, enslavement, etc comparable to the current draft article produced by the ILC.

Furthermore, Law No. 26 of 2000 also describes national judicial procedure for cases of gross violations of human rights including crimes against humanity. The procedure encompasses arrest, detention, investigation, prosecution and court hearings.

In addition, the law contains provisions on the protection of witnesses and victims of crimes against humanity, as well as compensation, restitution and rehabilitation

To further complement adequate national legal infrastructure, Indonesia also stresses the importance of cooperation among states. Indonesia has the necessary legal framework to cooperate with other states to deny safe haven and impunity through Mutual Legal Assistance in Criminal Matters and Extradition.

Mr/Mdm. Chair,

Indonesia wishes to take this opportunity to reiterate its position that ending impunity and denying safe haven to individuals who commit crimes against humanity is our collective responsibility.

At the same time, let us bear in mind that there are still divergences of position concerning the scope and application of such crimes.

As for the way forward on a Global Convention on Crimes Against Humanity, **we affirm that it is critical to have further deliberations and consultations, recognizing the delicate and complex nature of the issue.**

We therefore encourage Member States to conduct further consultations through the Sixth Committee to deepen understanding and hence bring us closer to an agreement/consensus.

I thank you **Mr./Mdm. Chair.**
