



Permanent Mission of Italy  
UN - New York

## **Agenda item n. 83 – Crimes against humanity**

### **Statement of Italy**

**delivered by Mr. Enrico Milano**

Thank you Madam Chair,

Since it is the first time my delegation is taking the floor during this session, allow me to congratulate you and the other members of the Bureau on your election and to assure you of my delegation's support in the performance of your function.

Madam Chair,

Italy aligns itself with the statement delivered by the distinguished representative of the European Union on Wednesday.

Italy has always been at the forefront in international efforts to promote the rule of law and full accountability for the most heinous crimes. Italy also remains a strong supporter of the role of the International Law Commission in stimulating the codification and progressive development of international law; we are of the view that the recommendations of the ILC with regard to its legal products must be

consistently considered and reviewed with the utmost attention and engagement by Member States, especially within the Sixth Committee of the General Assembly.

Madam Chair,

Italy supports the recommendation that the draft articles on crimes against humanity be transformed in an international legally binding instrument. The draft articles aim at addressing a concern of the international community as a whole - the need to end impunity and to ensure justice and accountability for the most heinous crimes. The draft articles are comprehensive and prescriptive in nature. They are generally reflective of State practice and existing customary international law. They address an important normative gap, that of horizontal judicial cooperation for the prosecution of crimes against humanity.

Italy sees a future universal convention on judicial cooperation with regard to crimes against humanity as a tool to reinforce both the primary responsibility of States in prosecuting and punishing those responsible for those crimes and the principle of complementarity in international criminal law. In this latter regard, our delegation has already stated in this committee in the past its preference for the insertion of a general formulation aimed at avoiding any risk of conflicting obligations for States Parties to the Rome Statute. While we support the goal of universal participation in the future instrument and we fully respect the *pacta tertiis* principle, we will continue to insist on the necessity of that inclusion in future negotiations with effect on States Parties to the Rome Statute.

Furthermore, Italy appreciates the inclusion in the draft articles of rules guaranteeing that any criminal prosecution on crimes against humanity, notwithstanding their particularly heinous character, is conducted in compliance with the principles of due

process and fair trial, with international human rights law and with international humanitarian law when applicable.

At the same time, Italy would like to highlight the need of full coordination between any future negotiations on a convention stemming from the ILC Draft Articles and parallel, complementary initiatives promoting horizontal judicial cooperation on the prosecution of international crimes. Areas of legal overlapping with regard to judicial cooperation on crimes against humanity should not result in inconsistencies complicating the task of national law-makers when incorporating those instruments in their domestic legal order.

Madam Chair,

Let me conclude by saying that our delegation stands ready to contribute to the advancement of the process leading to an international conference for the adoption of a convention on the prevention and punishment of crimes against humanity. The Sixth Committee, as the legal committee of the General Assembly, must take up its responsibility and identify the most appropriate and meaningful modalities to fully review the recommendation of the ILC, keeping to account Member States' different positions on the content of the draft articles. We hope that this year's resolution will reflect the collective commitment of Member States in this regard.