

Statement by the Delegation of Thailand
before the Sixth Committee
at the 78th Session of the United Nations General Assembly
Agenda item 80 Crimes against humanity
12 October 2023, UNHQ New York

Madame Chair,

1. Thailand wishes to express our deep appreciation to the International Law Commission for its meticulous work on the draft articles on prevention and punishment of crimes against humanity.

2. Crimes against humanity are among the most serious crimes and are of grave concern for the international community. These acts shock our collective conscience, infringe upon the principles enshrined in the United Nations Charter, and challenge our commitment to the rule of law, justice, and human rights. Thailand recognises the need for the effective prevention and suppression of crimes against humanity as a means to end impunity and safeguard the rule of law.

3. In this regard, we wish to deliver three key points, as follows:

4. **First**, Thailand wishes to express support for the Commission's work on this topic and we are positively considering the recommendation for an elaboration of a convention by the General Assembly or by

a diplomatic conference on the basis of these draft articles. It is our view that such a convention will present a mechanism through which States can strengthen their domestic laws, national adjudication, and international cooperation to ensure accountability for crimes against humanity.

5. **Second**, more specifically on the draft articles, my delegation is pleased to see certain elements being included in the draft articles.

- Thailand supports the definition of "crimes against humanity" in draft Article 2 that is in line with Article 7 of the Rome Statute, the core elements of which have been well refined and elaborated by previous international criminal tribunals for many years, so as to maintain coherence and stability in international criminal justice system.
- We welcome the obligation of aut dedere aut judicare to either extradite or submit the case to competent authorities in draft Article 10, which would help narrow jurisdictional gaps in the prosecution of crimes against humanity. Similar provisions in other international legal instruments have played an important role in helping States prevent and punish other acts prohibited under international law, such as the offence of torture under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In our view, it would be critical to include

such a provision in any future convention on crimes against humanity for it to be effective.

- We also support draft Article 13 on extradition and draft Article 14 on mutual legal assistance, particularly the rationale behind paragraph 3 of draft Article 13 where the political offence exception is precluded.

6. **Third**, from a practical point of view, as States establish national jurisdictions over Crimes against humanity under draft Article 7, we can foresee a situation where there are duplicative or conflicting proceedings in different States against the same alleged perpetrator, or where a State receives competing requests for extradition of the same offender. Therefore, it would be useful for Members States to formulate clear rules on these cases as we move forward on this discussion.

7. Thailand remains committed to working with the international community to develop and refine international law on this issue so that it can serve as a valuable tool in the fight against impunity.

I thank you, Madame Chair.
