



Permanent Mission of Italy  
UN - New York

**Resumed session – Crimes against humanity (Cluster 1)**

**Statement of Italy**

**Delivered by Mr Enrico Milano**

*Check against delivery*

Thank you Madam Chair/Mr Chair,

Since it is the first time my delegation is taking the floor during this resumed session, allow me to assure you of my delegation's support in the performance of your function during the present resumed session.

Madam Chair/Mr Chair,

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

Italy presents these remarks in a preliminary manner and reserves the right to complement or revise them in due course, including in the course of negotiations of a future UN convention on crimes against humanity.

Madam Chair/Mr Chair,

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,

As expressed in several previous occasions before this august Committee, Italy supports the recommendation that the draft articles on crimes against humanity be transformed in an international legally binding instrument as a result of a broad agreement to that effect in the Sixth Committee. The draft articles aim at addressing a pressing 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. In substance 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.

Unlike the 1948 Genocide Convention, the 1949 Geneva Convention and the 1984 UN Torture Convention at the time of their negotiation and adoption, the draft articles have not been elaborated in a vacuum: since the 1990s we have seen the

creation of a number of international courts and tribunals entitled to prosecute and punish international crimes, including crimes against humanity. That includes the International Criminal Court. For this reason, we are of the view that the preambular part should contain a paragraph acknowledging the important contribution of international courts and tribunals in addressing impunity and in protecting the rights of victims. Except for that addition, Italy can support the preamble as drafted by the ILC, including the important statement that the prohibition of crimes against humanity is a peremptory norm of general international law (*jus cogens*).

Finally, as we stated last year, with regard to Article 1, for reasons of legal precision, Italy would see value in the addition of the words “by States” after the word “punishment”, to avoid conflating other existing instrument establishing international instruments, mechanisms and institutions dealing with the prosecution and punishment of crimes against humanity. The specification would also make beyond doubt the fact that the instrument generally deals with the horizontal cooperation between and among States and not with the vertical cooperation with competent international courts and tribunals. It would be also pertinent given that the draft articles set out obligations of States under international law.

I thank you.