



Statement by Mr. Naser Asiabipour
Legal Advisor, Ministry of Foreign Affairs of the Islamic Republic of Iran
Before the Sixth Committee of the
76th Session of the United Nations General Assembly
on

(Agenda item 83)
New York, 13 October 2021

Thank you, Mr. Chairman,

My delegation extends its appreciation to the International Law Commission (ILC) for its work in providing the draft articles on the
contained in
the report of the ILC on the work of its seventy-first session (A/74/10)
the prevention and punishment of this heinous crime.

With respect to the draft articles presented to the Sixth Committee, my delegation has expressed its comments in previous General-Assembly meetings. While reemphasizing those comments, including little reference to the general practice and opinion juris of States and failure to reach a harmonized view regarding the concept of Crimes



Recognizing that the crime against humanity is a serious crime under international law that affects the entire international community, confronting such a heinous crime also requires collective and unanimous action by the entire international community. The current fragmentation of views on both the draft Articles as well as recommendation of the ILC concerning the modalities on the fate of the draft implies a lack of consensus to address all aspects of this serious crime unanimously. In this regard, attempts to incorporate definitions emanating from non-universal instruments, let alone national laws and practices in the context of progressive development, has stymied the process by preventing the member States from further reaching consensus.

In addition, we are not convinced with the argument regarding the existence of legal lacunae in this topic. The existing legal instruments, such as the Rome Statute, the multiple parallel initiative as well as national and international practices on crimes against humanity indicates accumulation of enforced instruments instead of a normative gap. Thus, we doubt whether a new convention build up a significant development forward except cluttering the *lex lata* in this topic.

It is obvious that the political will to prevent such a heinous crime and other core crimes while also combatting impunity, as well as preventing the politicization of it, is not necessarily supposed to be driven from adopting an additional treaty instrument. On the other hand, selective as well as arbitrary and politically-motivated application of such a prospective convention for the benefit of some specific Countries is still a legitimate concern for many independent countries in accepting a new convention.



Permanent Mission of the Islamic Republic of Iran to the United Nations

622 Third Ave New York, NY 10017 ny.mfa.gov.ir Tel:+1(212)687-2020 Fax:+1(212)867-7086 E-mail: Iran@un.int

In addition, Mr. Chairman, given the interlinkage between this