## Sixth Committee Resumed session

Crimes against Humanity

Cluster 3

Statement of Italy

Delivered by Mr Enrico Milano

Check against delivery

Thank you Mr/Mdm Chair.

Italy aligns itself with the statement delivered by the distinguished representative of the European Union and would like to adosome remarks in a national capacity.

Mr Chair/Mdm Chair,

Italy is generally supportive of draft Article 6 as drafted. Similarly to what is provided under the 1948 Genocide Convention, the 1984 UN Torture Convention and the 2006 UN Convention on Enforced Disappearance, Article 6 sets out the obligation of criminalization of typical conducts associated withcrimes against humanity under the national law of any State Party the future agreement This is an important obligation since it is instrumental to limiting the legal gaps in national legislation that may facilitate impunity for the mother or the mother of the mo

In line with the jurisprudence of international criminal courts and tribunals, Italy is also supportive of the provisions in Article 6 related to the responsibility of commanders and superiors and the non-invocability of superior orders as a cause excluding criminal responsibility. The latter may in some cases lead to mitigation in punishment.

Law Commission in the context of its workof immunity of state officials. That is without prejudice to the personal immunities of Heads of States, Heads of Governments and Foreign Ministers when in office, subject to the obligations arising from the mechanisms of cooperation with international courts, as those provided in the Rome Statute

Given their gravity, Italy is also supportive of the nonapplicability of statute of limitations to crimes against humanityin accordance with paragraph 6 of Article 6

Article 6, paragraph 8provides for the liability of legal persons for the commission of crimes against humanity. Italy can support the provision as it is written and notes that the liability of legal persons for the commission of crimes against humanity will have to be determed in accordance with the national law of the State and could be of a criminal, administrative or civil nature.

Turning to Article 7, Italy is generally supportive of the provision as drafted in order to minimize the risk of jurisdictional loopholes, at the same time ensuring a connection between the State exercising jurisdiction and the alleged author of the offence itself.

For the same reason, Italy would like to express its general support of Article 10 and the incorporation in a future convention of the principle of an in line with many multilateral treaties criminalizing certain conducts. The obligation to extradite also applies with regard to international criminal courts and tribunals exercising their competence in the prosecution of crimes against humanity, if the national authorities are not in a position to investigate or prosecute the relevantrimes.

That concludes our submission on Cluster 3.

Thank you.