



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 add some 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 with crimes against humanity under the national law of any State Party to 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 most heinous crimes.

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.

With regard to paragraph 5 of Article 6 Italy has taken note of the assertion contained in the ... '••‡•-f"› -Š f- 'f"f%o"f'Š w "‡Ž f-‡• -' ‹••-•‹-› f• ò•-„•-f procedural bar to prosecution. However, as previously stated in this Committee, Italy would like to take also this opportunity to reiterate its support for the non-applicability of functional immunities to State officials when crimes against humanity have been allegedly committed in the exercise of official functions in line with the legal solution provided by the International

