



# General Assembly

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## International Law Commission

### Sixty-ninth session

Geneva, 1 May-2 June and 3 July-4 August 2017

## Immunity of State officials from foreign criminal jurisdiction

**Titles of Parts Two and Three, and texts and titles of draft article 7 and annex provisionally adopted by the Drafting Committee at the sixty-ninth session**

### Part Two

#### Immunity *ratione personae*\*

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### Part Three

#### Immunity *ratione materiae*\*

...

#### Draft article 7

#### Crimes under international law in respect of which immunity *ratione materiae* shall not apply

1. Immunity *ratione materiae* from the exercise of foreign criminal jurisdiction shall not apply in respect of the following crimes under international law:

- (a) crime of genocide;
- (b) crimes against humanity;
- (c) war crimes;
- (d) crime of *apartheid*;
- (e) torture;
- (f) enforced disappearance.

2. For the purposes of the present draft article, the crimes under international law mentioned above are to be understood according to their definition in the treaties enumerated in the annex to the present draft articles.

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\* The Commission will consider the procedural provisions and safeguards applicable to the present draft articles at its seventieth session.



## **Annex**

### **List of treaties referred to in draft article 7, para. 2**

#### Crime of genocide

- Rome Statute of the International Criminal Court, 17 July 1998, article 6;
- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, article II.

#### Crimes against humanity

- Rome Statute of the International Criminal Court, 17 July 1998, article 7.

#### War crimes

- Rome Statute of the International Criminal Court, 17 July 1998, article 8, para. 2.

#### Crime of *apartheid*

- International Convention on the Suppression and Punishment of the Crime of *Apartheid*, 30 November 1973, article II.

#### Torture

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984: article 1, para. 1.

#### Enforced disappearance

- International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, article 2.

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