



# General Assembly

Distr.: Limited  
5 April 2024

Original: English

Seventy-eighth session  
**Sixth Committee**  
Agenda item 80  
**Crimes against humanity**

## Crimes against humanity

### Draft written summary

*Rapporteur:* Mr. Moussa Mohamed **Moussa** (Djibouti)

1. At its seventy-first session, in 2019, the International Law Commission adopted, on second reading, the draft articles on prevention and punishment of crimes against humanity, together with commentaries thereto (see [A/74/10](#), chap. IV). The Commission decided to recommend the draft articles to the General Assembly and to recommend the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles (*ibid.*, para. 42).<sup>1</sup>
2. By its resolution [77/249](#), the General Assembly, *inter alia*, decided that the Sixth Committee would resume its session, from 10 to 14 April 2023 and from 1 to 5 April and 11 April 2024, in order to exchange substantive views, including in an interactive format, on all aspects of the draft articles, and to consider further the recommendation of the Commission. The Assembly also invited States to submit written comments and observations on the draft articles and on the recommendation of the Commission for consideration during the second resumed session of the Committee in 2024.
3. Pursuant to resolution [77/249](#), the Sixth Committee held the two resumed sessions at United Nations Headquarters, respectively, for five days, from 10 to 14 April 2023, and for six days, from 1 to 5 April and 11 April 2024.

<sup>1</sup> At its seventy-fourth session, the General Assembly, under the agenda item entitled “Report of the International Law Commission on the work of its seventy-first session”, took note of the draft articles and decided to include in the provisional agenda of its seventy-fifth session an item entitled “Crimes against humanity” and to continue to examine the recommendation of the Commission (see General Assembly resolution [74/187](#)). The Assembly has had the item entitled “Crimes against humanity” on its agenda annually since its seventy-fifth session (see General Assembly resolutions [75/136](#), [76/114](#) and [77/249](#)).



*First resumed session (2023)*

4. At the resumed session of 2023, the Sixth Committee held nine meetings: the 37th and 38th meetings, on 10 April, the 39th and 40th meetings, on 11 April, the 41st and 42nd meetings, on 12 April, the 43rd and 44th meetings, on 13 April, and the 45th meeting, on 14 April.

5. The session was opened by Pedro Comissário Afonso (Mozambique), in his capacity as Chair of the Sixth Committee. The Bureau, as constituted on 7 June 2022, was composed as follows:

*Chair:*

Pedro Comissário Afonso (Mozambique)

*Vice-Chairs:*

Tzvety Romanska (Bulgaria)

Edgar Daniel Leal Matta (Guatemala)

Anna Pála Sverrisdóttir (Iceland)

*Rapporteur:*

Sarah Zahirah Ruhama (Malaysia)

6. At the 37th meeting, the Chair recalled that the Bureau had decided to appoint three of its members to serve as co-facilitators for the two resumed sessions envisaged in resolution [77/249](#). The co-facilitators were:

Sarah Zahirah Ruhama (Malaysia)

Edgar Daniel Leal Matta (Guatemala)

Anna Pála Sverrisdóttir (Iceland)

7. The Director of the Codification Division of the Office of Legal Affairs acted as Secretary of the Sixth Committee during the resumed session. The Principal Legal Officer of the Division acted as Assistant Secretary of the Committee. The Division provided substantive services to the Committee at the resumed session.

8. At the same meeting, the Sixth Committee adopted the programme of work for the resumed sessions, as well as the working arrangements proposed by the Bureau. This included structuring the debate on the draft articles on prevention and punishment of crimes against humanity at both resumed sessions on the basis of five thematic clusters: (a) cluster 1, on the introductory provisions, namely, the draft preamble and draft article 1; (b) cluster 2, on the definition of crimes against humanity and general obligations, covered in draft articles 2, 3 and 4; (c) cluster 3, on national measures, addressed in draft articles 6 to 10; (d) cluster 4, on international measures, as detailed in draft articles 13 to 15 and the draft annex; and (e) cluster 5, on the safeguards provisions contained in draft articles 5, 11 and 12. It was also decided that a debate on the recommendation of the International Law Commission, contained in paragraph 42 of its report on the work of its seventy-first session ([A/74/10](#)), would take place at the second resumed session, while a briefing by the Secretariat on the recommendation would be delivered at the first resumed session. Furthermore, it was decided that the co-facilitators would present an oral report on the deliberations of the Committee at the end of each resumed session. Finally, it was decided that, pursuant to paragraph 5 of resolution [77/249](#), a written summary would be presented at the end of the second resumed session in the form of a technical report with an annex containing a summary of the deliberations at both sessions, to be prepared under the responsibility of the Chair and drawn from the oral reports of the co-facilitators. The Chair's summary would be considered for adoption and inclusion in the written summary (see annex).

9. Statements touching on all or several thematic clusters, as well as interventions in the interactive format, were made at the 37th to 44th meetings. The briefing by the Secretariat on the recommendation of the Commission was delivered at the 43rd meeting.

10. At the 45th meeting, the co-facilitators presented an oral report, clarifying that it was intended to be an informal record of the proceedings, for the convenience of delegations, and had been presented under their responsibility. The oral report would also help to inform the Chair's summary, to be included in the written summary that would be prepared and adopted at the second resumed session. At the same meeting, the Sixth Committee took note of the oral report of the co-facilitators. The oral report is available on the Committee's website.<sup>2</sup>

*Second resumed session (2024)*

11. At the second resumed session, in 2024, the Sixth Committee held ten meetings: the 38th and 39th meetings, on 1 April, the 40th and 41st meetings, on 2 April, the 42nd and 43rd meetings, on 3 April, the 44th and 45th meetings, on 4 April, the 46th meeting, on 5 April, and the 47th meeting, on 11 April.

12. The session was opened by Suriya Chindawongse (Thailand), in his capacity as Chair of the Sixth Committee. The Bureau, as constituted on 1 June 2023, was composed as follows:

*Chair:*

Suriya Chindawongse (Thailand)

*Vice-Chairs:*

Alis Lungu (Romania)

Jhon Guerra Sansonetti (Bolivarian Republic of Venezuela)

Enrico Milano (Italy)

*Rapporteur:*

Moussa Mohamed Moussa (Djibouti)

13. At the 38th meeting, the Chair recalled that the co-facilitators for the two resumed sessions envisaged in resolution 77/249 were Ms. Ruhama (Malaysia), Mr. Leal Matta (Guatemala) and Ms. Sverrisdóttir (Iceland). Since Ms. Ruhama was no longer available to serve in that capacity, it had been decided that Nizhan Faraz Bin Rizal (Malaysia) would replace Ms. Ruhama as co-facilitator. The Committee paid tribute to Ms. Ruhama for her valuable contributions to its work. The co-facilitators during the resumed session were thus the following:

Nizhan Faraz Bin Rizal (Malaysia)

Edgar Daniel Leal Matta (Guatemala)

Anna Pála Sverrisdóttir (Iceland)

14. The Director of the Codification Division of the Office of Legal Affairs acted as Secretary of the Sixth Committee during the resumed session. The Principal Legal Officer of the Division acted as Assistant Secretary of the Committee. The Division provided substantive services to the Committee at the resumed session.

15. At the same meeting, the Chair recalled that the Committee had already adopted the programme of work for the resumed sessions, as well as the working arrangements (see para. 8 above).

16. The Sixth Committee had before it the report of the Secretary-General (A/78/717 and Add.1), prepared pursuant to paragraph 6 of resolution 77/249, which

<sup>2</sup> <https://www.un.org/en/ga/sixth/77/cah.shtml>.

compiled the written comments and observations received from Member States on the draft articles on prevention and punishment of crimes against humanity and on the recommendation of the Commission.

17. Statements touching on all or several thematic clusters, as well as interventions in the interactive format, were made at the 38th to 44th meetings. Statements in connection with the recommendation of the Commission were delivered at the 45th meeting.

18. At the 46th meeting, the co-facilitators presented an oral report, clarifying that it was intended to be an informal record of the proceedings, for the convenience of delegations, and had been presented under their responsibility. The oral report would also help to inform the Chair's summary, to be included in the written summary to be prepared [and adopted] at the current resumed session. At the same meeting, the Sixth Committee took note of the oral report of the co-facilitators. The oral report of the co-facilitators is available on the website of the Committee.

[19. At the 47th meeting, the Chair presented his summary of the deliberations at the first and second resumed sessions, which was based on the oral reports of the co-facilitators. The summary is contained in the annex to the present report.]

[20. Also at the 47th meeting, the Sixth Committee adopted the present summary, together with its annex, pursuant to paragraph 5 of General Assembly resolution [77/249](#).]

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