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Agenda item 78

Crimes against humanity

Report of the Sixth Committee

Rapporteur: Ms. Sarah Zahirah **Ruhama** (Malaysia)

I. Introduction

1. The item entitled “Crimes against humanity” was included in the provisional agenda of the seventy-seventh session of the General Assembly pursuant to Assembly resolution [76/114](#) of 9 December 2021.
2. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 9th, 10th, 11th and 36th meetings, on 10 and 11 October and on 18 November 2022. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹

II. Consideration of draft resolution [A/C.6/77/L.4](#)

4. At the 36th meeting, on 18 November, the representative of the Gambia, also on behalf of Afghanistan, Albania, Argentina, Armenia, Australia, Austria, the Bahamas, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, the Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, the Netherlands, New Zealand, North Macedonia, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Türkiye, Ukraine, the United Kingdom of Great Britain and

¹ [A/C.6/77/SR.9](#), [A/C.6/77/SR.10](#), [A/C.6/77/SR.11](#) and [A/C.6/77/SR.36](#).



Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay and Vanuatu, introduced a draft resolution entitled “Crimes against humanity” ([A/C.6/77/L.4](#)), and announced that the Comoros, Djibouti, Japan, Samoa and Uganda had joined in sponsoring the draft resolution. The Committee also had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly concerning the programme budget implications of draft resolution [A/C.6/77/L.4](#) ([A/C.6/77/L.23](#)).

5. At the same meeting, the Committee adopted draft resolution [A/C.6/77/L.4](#) without a vote (see para. 7).

6. The representative of Singapore spoke in explanation of position after the adoption of the draft resolution. The representative of the observer delegation of the State of Palestine also spoke.

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Crimes against humanity

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its seventy-first session,¹ which contains the draft articles on prevention and punishment of crimes against humanity,

Recalling that the Commission decided to recommend the draft articles to the General Assembly and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,²

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Recalling its resolutions [74/187](#) of 18 December 2019, [75/136](#) of 15 December 2020 and [76/114](#) of 9 December 2021, by which it took note of the draft articles,

Deeply disturbed by the persistence of crimes against humanity, and recognizing the need to prevent and punish such crimes, which are among the most serious crimes of concern to the international community as a whole,

Emphasizing that States have the primary responsibility to prevent and punish crimes against humanity,

1. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

2. *Takes note once again* of the draft articles on prevention and punishment of crimes against humanity, presented by the Commission;³

3. *Takes note* of all the views, comments and concerns expressed in the debates of the Sixth Committee on this topic,⁴ as well as the comments and observations received from Governments on the draft articles and on any future action thereon;

4. *Decides* that the Sixth Committee shall resume its session for five days, from 10 to 14 April 2023, and for six days, 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 contained in paragraph 42 of its report on the work of its seventy-first session for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles;

¹ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 10 (A/74/10).*

² *Ibid.*, para. 42.

³ *Ibid.*, chap. IV, sect. E.

⁴ [A/C.6/74/SR.23](#), [A/C.6/74/SR.24](#), [A/C.6/74/SR.25](#), [A/C.6/74/SR.26](#), [A/C.6/74/SR.27](#), [A/C.6/74/SR.30](#), [A/C.6/75/SR.5](#), [A/C.6/75/SR.6](#), [A/C.6/76/SR.8](#), [A/C.6/76/SR.9](#), [A/C.6/76/SR.29](#), [A/C.6/77/SR.9](#), [A/C.6/77/SR.10](#) and [A/C.6/77/SR.11](#).

5. *Also decides* that a written summary of the deliberations during the two resumed sessions referred to in paragraph 4 shall be prepared by the Sixth Committee at the end of the second resumed session;

6. *Invites* States to submit by the end of 2023 written comments and observations on the draft articles and on the recommendation of the Commission, and requests the Secretary-General to prepare and circulate a compilation of those comments and observations well in advance of the session of the Sixth Committee to be held in 2024;

7. *Decides* that the Sixth Committee, at the seventy-ninth session of the General Assembly, in the light of the written comments and observations of Governments, as well as the views expressed in discussions at the seventy-seventh and seventy-eighth sessions of the General Assembly and the written summary, will further examine the draft articles and the recommendation of the Commission and take a decision on this matter, without prejudice to the question of their future adoption or other appropriate action;

8. *Encourages* all Member States to continue the substantive dialogue on an informal basis during the period prior to the seventy-eighth session of the General Assembly;

9. *Decides* to include in the provisional agenda of its seventy-eighth and seventy-ninth sessions the item entitled “Crimes against humanity”.
