

AMNESTY INTERNATIONAL

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Initiative to draft new convention on crimes against humanity, new chance to strengthen fight against impunity

Amnesty International welcomes the decision taken by the International Law Commission (ILC) to start the process of drafting a convention on crimes against humanity.

The body of international law experts established by the United Nations General Assembly in 1947 to promote the progressive development of international law and its codification, took the decision today after a year of consideration.

A strong convention should enhance efforts to combat impunity for horrific crimes, such as murder, enslavement, crimes of sexual violence, committed as part of a widespread or systematic attack against civilians. It should also clearly set out the responsibilities of states that ratify it. Crimes against humanity have been recognized in international law for decades and numerous people have been prosecuted for the crimes by both international and national criminal courts, including the Nuremberg Tribunal and the International Criminal Court. However, there is currently no convention which sets out clearly the obligations of states to investigate and prosecute crimes against humanity effectively and ensure reparation for the victims.

The new convention must strengthen and not weaken the obligations of states under international law to end impunity for these crimes. It must enshrine the highest standards of international law, including human rights protection, to ensure that it makes a real contribution to the fight against impunity.

Amnesty International calls on the ILC to:

- (a) include in the new convention a provision requiring states to investigate and prosecute crimes against humanity before ordinary civilian courts;
- (b) ensure that victims of crimes against humanity are enabled to obtain full reparation;
- (c) ensure the exercise of universal jurisdiction by States over crimes against humanity;
- (d) preclude the use and application of rules of immunity, amnesties and statute of limitations to cases involving allegations of crimes against humanity.

Background

The ILC has in the past drafted some of the major conventions of international law, like the 1958 conventions on the law of the sea, the 1963 conventions on diplomatic and consular relations, the 1969 Vienna Convention on the Law of Treaties and the 1994 first Draft Statute for the International Criminal Court.