

# AMNESTY INTERNATIONAL

## 30-POINT PROGRAMME FOR THE CONVENTION ON PREVENTION AND PUNISHMENT OF CRIMES AGAINST HUMANITY (2026)

Amnesty International submits this overview of its recommendations on the future Convention on Prevention and Punishment of Crimes Against Humanity for consideration by all UN member and observer states. In particular it presents these recommendations with a view to the invitation to governments to submit to the UN Secretary-General proposals for amendments to the International Law Commission (ILC) Draft Articles on Prevention and Punishment of Crimes against Humanity, to be included in a compiled text as a further basis for negotiations. UN member and observer states should consider ways to further strengthen the future Convention.

Amnesty International welcomes the adoption in December 2024 of Resolution 79/122<sup>1</sup> by the United Nations General Assembly (UNGA) to advance to formal negotiations over a Convention on the Prevention and Punishment of Crimes against Humanity. Once concluded and adopted, this treaty will strengthen the framework of international justice by providing new tools and better enabling states to cooperate with each other in combating impunity for crimes against humanity.

Resolution 79/122 sets out, among others, that the ILC Draft Articles on Prevention and Punishment of Crimes Against Humanity (Draft Articles),<sup>2</sup> as well as a compilation of proposals for amendments to the Draft Articles to be submitted by governments by 30 April 2026, will serve as the basis for negotiations.<sup>3</sup> Amnesty International believes that the ILC Draft Articles are a good basis to open negotiations on a future Convention. At the same time, some provisions would benefit from amendment, because they are flawed, not adequate for the purposes of fighting impunity, or fail to reflect the highest standards of international law.

Amnesty International's recommendations overall have the aims that, cutting across the future Convention on the Prevention and Punishment of Crimes against Humanity: victims and survivors' rights are robustly protected;<sup>4</sup> gender justice is advanced;<sup>5</sup> crimes against humanity against children are effectively recognized;<sup>6</sup> and attempts to weaken the effectiveness of the future Convention through procedural or other caveats are rejected.

The overview of recommendations in this paper is based on the organization's prior publications as part of its advocacy for a Convention on Crimes against Humanity, in particular:

- Amnesty International's 17-Point Program for a Convention on Crimes against Humanity of February 2018;<sup>7</sup>
- Amnesty International's General Recommendations to States for a Convention on Prevention and Punishment of Crimes Against Humanity of March 2023;<sup>8</sup> and

<sup>1</sup> UN General Assembly, Resolution 79/122, *United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity*, adopted on 4 December 2024, UN Doc. A/RES/79/122.

<sup>2</sup> UN International Law Commission (ILC), Report on the Work of Its Seventy-First Session, UN Doc. A/74/10, adopted on 9 August 2019, Chapter IV, Crimes against humanity.

<sup>3</sup> UNGA Resolution 79/122, 2024 (previously cited), OPs 5 and 9.

<sup>4</sup> Amnesty International and others, *Joint Briefing: Draft Crimes Against Humanity Convention Must Center Victims and Survivors* (Index: IOR 40/7463/2023), pp. 8/9, <https://www.amnesty.org/en/documents/ior40/7463/2023/en/>

<sup>5</sup> See also, Global Justice Center, *Joint Call to Advance Gender Justice in the Draft Crimes Against Humanity Convention*, 5 October 2023, [https://www.globaljusticecenter.net/wp-content/uploads/2023/10/Letter-to-UN-Member-States-Re\\_-Gender-Justice-Approach-to-Crimes-Against-Humanity-Treaty.pdf](https://www.globaljusticecenter.net/wp-content/uploads/2023/10/Letter-to-UN-Member-States-Re_-Gender-Justice-Approach-to-Crimes-Against-Humanity-Treaty.pdf)

<sup>6</sup> See Children and Crimes Against Humanity Coalition, *Justice for Children in the Future Convention on the Prevention and Punishment of Crimes Against Humanity*, May 2025, <https://cahtreatynow.org/justice-for-children-in-the-future-convention-on-the-prevention-and-punishment-of-crimes-against-humanity/>

<sup>7</sup> Amnesty International, *17-Point Program for a Convention on Crimes against Humanity*, (Index: IOR 51/7914/2018).

<sup>8</sup> Amnesty International, *General Recommendations to States for a Convention on Prevention and Punishment of Crimes Against Humanity: UN GA*

- Amnesty International’s Further Recommendations for a Convention on Prevention and Punishment of Crimes against Humanity of October 2025.<sup>9</sup>

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Sixth Committee First Resumed Session on the Draft Articles on Prevention and Punishment of Crimes against Humanity (New York, 10-14 April 2023), (Index: IOR 40/6497/2023). These recommendations are available in English, French and Spanish.

<sup>9</sup> Amnesty International, *A Convention on Prevention and Punishment of Crimes against Humanity: Further Recommendations*, (Index: IOR 40/0303/2025), <https://www.amnesty.org/en/documents/IO40/0303/2025/en/>. These recommendations are available in Arabic, English, French and Spanish.

<sup>10</sup> These recommendations follow the same structure of five “clusters” of Draft Articles that had been used during the resumed sessions of the Sixth Committee in 2023 and 2024 and by the Working Group during the first Preparatory Committee meeting in January 2026. There, in addition, for the first time “additional provisions” were discussed.

## RECOMMENDATIONS

### CLUSTER #1 – INTRODUCTORY PROVISIONS (PREAMBLE)

#### 1. THE AFFIRMATION OF THE *JUS COGENS* NATURE OF THE PROHIBITION OF CRIMES AGAINST HUMANITY SHOULD BE RETAINED

The ILC has stated that the prohibition of crimes against humanity is *jus cogens*,<sup>11</sup> meaning a peremptory norm of general international law accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.<sup>12</sup> Peremptory norms – like the absolute prohibitions of slavery and the slave trade, torture, racial discrimination and apartheid – are hierarchically superior to other norms of international law and, therefore, override such norms in the case of conflict.

Among the legal obligations arising out of *jus cogens* are the duty to prosecute or extradite, the non-applicability of statutes of limitations, and the non-applicability of the defence of “obedience to superior orders”.<sup>13</sup> Therefore the characterization of crimes against humanity as *jus cogens* should be retained.

#### 2. THE RIGHT TO TRUTH SHOULD BE RECOGNIZED

The right of victims to the truth should be recognized as a fundamental component in the fight against impunity in the preamble of the Convention, as it is, for example, in the preamble of the Convention for the Protection of All Persons from Enforced Disappearance (CPED),<sup>14</sup> the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of International Human Rights Law and Serious Violations of International Humanitarian Law,<sup>15</sup> and the Updated Set of principles for the protection and promotion of human rights through action to combat impunity.<sup>16</sup>

Establishing the truth about crimes against humanity is particularly important given that widespread or systematic attacks against civilian populations often involve spreading misinformation that promotes or seeks to justify discrimination against and targeting of victims, and that the extent of the crimes is often concealed and contested.

### CLUSTER #2 – PART 1: DEFINITION OF CRIMES (ARTICLE 2)

The agreement in 1998 on Article 7 of the Rome Statute of the International Criminal Court (ICC), which Draft Article 2 follows almost verbatim, was a landmark moment in the recognition and codification of crimes against humanity. However, Amnesty International believes that almost three decades later a careful revision of the catalogue of crimes would continue the gradual evolution of international criminal law. While remaining true to the Rome Statute as a fundamental basis of international criminal law, this would enable the recognition of newer developments in international law, including through the ICC’s own jurisprudence.<sup>17</sup>

#### 3. STATES SHOULD RECOGNIZE AND INCORPORATE GENDER APARTHEID AS A CRIME AGAINST HUMANITY

Recognizing gender apartheid, in addition to the crime of apartheid contained in Draft Article 2(1)(j), would address a significant gap in international law, which presently fails to adequately acknowledge, prevent and punish inhumane acts committed in the context of an institutionalized regime of systemic domination and oppression on the basis of gender.<sup>18</sup> Amnesty joins respective calls by women’s human rights defenders, UN experts, international lawyers and others.<sup>19</sup>

<sup>11</sup> ILC, Report on the Work of the Seventy-Third Session (2022), UN Doc. A/77/10, Chapter IV, Conclusion 23 and its commentary.

<sup>12</sup> Vienna Convention on the Law of Treaties (adopted in Vienna on 23 May 1969; entry into force: 27 January 1980), 1155 UNTS 331.

<sup>13</sup> C. Cheriff Bassiouni, *International Crimes: Jus Cogens and Obligatio Erga Omnes*, Law and Contemporary Problems, Vol.59, No. 4, 63.

<sup>14</sup> International Convention for the Protection of All Persons from Enforced Disappearance (signed 20 December 2006; entered into force 23 December 2010), 2716 UNTS 3; see in particular, Article 24(2).

<sup>15</sup> UNGA Res. 60/147 (16 December 2005), UN Doc. A/RES/60/147, paras 22 and 24.

<sup>16</sup> UN Commission on Human Rights, Report of the independent expert to update the Set of principles to combat impunity, Addendum (8 February 2005), UN Doc. E/CN.4/2005/102/Add.1.

<sup>17</sup> Amnesty International, *International Justice Day and Days to Come: The Rome Statute of the ICC and a future Convention on Crimes against Humanity – Complementarity, not Competition*, (Index: IOR 40/8247/2024) <https://www.amnesty.org/en/documents/ior40/8247/2024/en/>

<sup>18</sup> Amnesty International, “Gender apartheid must be recognized as a crime under international law”, Press Release, 17 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/gender-apartheid-must-be-recognized-international-law/>; Sareta Ashraf and others, “Why the Crimes Against Humanity Treaty Should Codify Gender Apartheid,” 5 October 2023, Just Security, <https://www.justsecurity.org/89193/why-the-crimes-against-humanity-treaty-should-codify-gender-apartheid/>

<sup>19</sup> See for example, End Gender Apartheid, Sareta Ashraf and others, Joint legal brief, *Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid*, 5 October 2023, <https://endgenderapartheid.today/download/2025/EGA%20Legal%20Brief.pdf>; UN

Recognition of gender apartheid is further necessary to be able to name and combat such forms of oppression of women, girls and LGBTI people that may exist now or in the future; to respond appropriately to its gravity; to give a mandate for its investigation and prosecution; and to end the denial of dignity, freedom and equality to its victims. There is no other phenomena or crime in international law that recognizes an institutionalized and ideological pattern of domination and oppression as the concept of apartheid does.

#### **4. STATES SHOULD CODIFY FORCED MARRIAGE AS A DISTINCT CRIME AGAINST HUMANITY**

Over the last 16 years, forced marriage has been recognized as a crime against humanity by a range of international tribunals, most consistently as the crime of “other inhumane acts”.<sup>20</sup> This jurisprudence has also recognized that forced marriage entails unique elements and resulting harms that distinguish it from other enumerated sexual and other gender-based crimes, including rape and sexual slavery.

Codifying forced marriage as a distinct crime would improve legal certainty by avoiding repeated challenges to charges of forced marriage, claiming that it is not expressly listed within the definition of crimes against humanity. Thereby the chances of prosecutions and convictions would be enhanced and the crime made more visible. This would serve as an important recognition of the specific and grave harms of this crime and the lived experiences of victims and survivors.

#### **5. STATES SHOULD CRIMINALIZE REPRODUCTIVE VIOLENCE**

Present Draft Article 2(1)(g) insufficiently captures the many forms of sexual and reproductive violence that warrant recognition as crimes against humanity.<sup>21</sup> Amnesty International believes that, among others, the prevention of reproduction through forced abortion or forced contraception, and forced breastfeeding or forced “wet nursing” of another person’s infant, should be recognized as well.

If no specific crimes are added, this could be done by expressing that *reproductive* violence is equally criminalized to *sexual* violence. The ICC has affirmed that reproductive autonomy constitutes a distinct legal interest protected under the Rome Statute,<sup>22</sup> and several national courts have recognized violations of reproductive autonomy as war crimes and/or crimes against humanity. The Convention presents an opportunity to expressly acknowledge the distinct harms and gravity of suffering caused by such violations.

#### **6. STATES SHOULD REVISE THE DEFINITION OF FORCED PREGNANCY**

Amnesty International reiterates that the sentence referring to national laws in the definition of forced pregnancy<sup>23</sup> serves no legal purpose.<sup>24</sup> Removing this unnecessary reference would be in line with ICC jurisprudential developments.<sup>25</sup> Furthermore, this sentence has not been replicated in the statutes of other international tribunals or in many national laws defining the crime of forced pregnancy.<sup>26</sup>

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Human Rights Council, *Draft articles on prevention and punishment of crimes against humanity – Recommendations from the Working Group on discrimination against women and girls*, 15 February 2024, UN Doc. A/HRC/WG.11/40/1; Global Justice Center & Atlantic Council, “Joint Call to Amend the Draft Crimes against Humanity Convention to Encompass Gender Apartheid,” 5 October 2023, <https://www.globaljusticecenter.net/wp-content/uploads/2023/10/Gender-Apartheid-Expert-Legal-Brief-CAH-Treaty.pdf>

<sup>20</sup> For references, see Amnesty International, *Further Recommendations* (previously cited), section 3.1.3.

<sup>21</sup> Amnesty International and others, *Joint Briefing: Draft Articles on Prevention and Punishment of Crimes Against Humanity Should Advance Justice for Reproductive Autonomy* (Index IOR 40/7461/2023), 5 October 2023, <https://www.amnesty.org/en/wp-content/uploads/2023/11/IO4074612023ENGLISH.pdf>

<sup>22</sup> ICC, *Prosecutor v. Dominic Ongwen*, Case ICC-02/04-01/15-1762-Red, Trial Chamber judgment, 4 February 2021, para. 2751 (“Ongwen Trial judgment”), para. 2717; ICC, *Prosecutor v. Dominic Ongwen*, Case ICC-02/04-01/15-2022-Red, Appeals Chamber judgment, 15 December 2022, para. 1024 (“Ongwen Appeal judgment”), paras 1055 and 1063.

<sup>23</sup> The definition of “forced pregnancy” in Draft Article 2(2)(f) includes the qualification that “[t]his definition shall not in any way be interpreted as affecting national laws relating to pregnancy.”

<sup>24</sup> Amnesty International and others, *Joint Briefing: Reproductive Autonomy* (previously cited), para. 17; see also, Amnesty International, *Forced pregnancy: a commentary on the crime in international criminal law*, (Index: IOR 53/2711/2020), 29 June 2020, <https://www.amnesty.org/en/documents/ior53/2711/2020/en/> section C.

<sup>25</sup> *Ongwen Appeal judgment*, para. 1065; *Ongwen Trial judgment*, para. 2721.

<sup>26</sup> For example, statutes of several international tribunals established after the Rome Statute have excluded the national laws caveat, including the 2002 Statute of the Special Court for Sierra Leone (SCSL) and the 2003 Statute of the Iraqi Special Tribunal. A range of domestic penal codes have also codified forced pregnancy without the reference to national laws, including France, the Republic of Congo, the Czech Republic, Finland, Georgia, Lithuania, Montenegro, and Serbia.

The organization further considers that the current definition of forced pregnancy in Draft Article 2(2)(f), which limits victims of this crime to “women,”<sup>27</sup> risks impermissibly excluding other categories of people who are biologically capable of becoming pregnant.<sup>28</sup> If the essence of the crime of forced pregnancy is to deny through unlawful confinement autonomy over a pregnancy – as confirmed by the ICC Appeals Chamber<sup>29</sup> – then the crime must be applied to anyone who is pregnant who is subjected to such treatment.<sup>30</sup>

## **7. STATES SHOULD MAINTAIN THE OMISSION OF A DEFINITION OF GENDER**

Amnesty International welcomes the decision by the ILC not to maintain the definition of gender contained in Article 7(3) of the Rome Statute in the Draft Articles.<sup>31</sup> That definition risks being interpreted to conflate gender with sex,<sup>32</sup> and such conflation fails to fully acknowledge and reflect the social construction of gender and the “accompanying roles, behaviours, activities, and attributes assigned to women and men, and to girls and boys.”<sup>33</sup> In addition, several laws implementing the Rome Statute into national law have omitted this flawed definition.<sup>34</sup> In any event, the term gender must be interpreted in line with current international human rights and criminal law.<sup>35</sup> The ICC framework itself recognizes that gender is a variable social construct and that gender and sex are closely related, but not interchangeable concepts.<sup>36</sup>

## **8. STATES SHOULD CODIFY THE SLAVE TRADE AS A DISTINCT CRIME AGAINST HUMANITY**

Amnesty International supports proposals to enumerate the slave trade as a distinct crime against humanity.<sup>37</sup> The organization considers that the slave trade is an intrinsically distinct crime in terms of its constitutive elements; unique and grave harms; potential perpetrators; and affected victims. Although they frequently operate in tandem, enslavement and the slave trade are separate crimes under international law:<sup>38</sup> whereas enslavement consists of the actual exercise of powers of ownership over a person,<sup>39</sup> slave trade entails conduct by which a person is reduced to slavery or transferred from one situation of slavery to another.<sup>40</sup>

A failure to expressly recognize the slave trade as a separate crime against humanity, distinct from enslavement or sexual slavery, may hinder its effective prosecution and result in an impunity gap for perpetrators who do not also satisfy the elements of other already enumerated crimes against humanity.

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<sup>27</sup> Draft Article 2(2)(f) defines forced pregnancy as the “unlawful confinement of a woman forcible made pregnancy, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.”

<sup>28</sup> Amnesty International and others, *Joint Briefing: Reproductive Autonomy* (previously cited), paras 31-32.

<sup>29</sup> *Ongwen* Appeal judgment, para. 1055.

<sup>30</sup> See Amnesty International, *Forced pregnancy: a commentary on the crime in international criminal law* (previously cited), pp. 14-15.

<sup>31</sup> Amnesty International, *General Recommendations* (previously cited), section 3.

<sup>32</sup> Article 7(3) of the Rome Statute defines gender as “the two sexes, male and female, within the context of society” and stipulates that “[t]he term ‘gender’ does not indicate any meaning different from the above.”

<sup>33</sup> See, for example, UN Experts, *Re: Comments to the Draft Crimes Against Humanity Convention*, 30 November 2018, <https://www.ohchr.org/sites/default/files/Documents/Issues/Executions/LetterGender.pdf>;

<sup>34</sup> See, for example, Code pénal France, Articles 212-1 à 212-3; Chile, Ley 20.357 of 18 July 2009 (Official Gazette); Burkina Faso, Loi N°025-2018/AN, portant Code pénal, 31 May 2018; Congo (Republic of), Loi N°8 - 98, 31 October 1998; Dominican Republic, Código Penal, Ley No. 550-14, 19 December 2014; Korea (Republic of), Act on Punishment of Crimes under Jurisdiction of the International Criminal Court, Act No.8719, 21 December 2007, amended by Act No. 10577, 12 April 2011.

<sup>35</sup> See also Article 21(3) of the Rome Statute (“consistent with internationally recognized human rights”).

<sup>36</sup> Article 7(3) of the Rome Statute (“within the context of society”) and International Criminal Court, Office of the Prosecutor, *Policy Gender-Based Crimes*, December 2023, paras 16-19, <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>

<sup>37</sup> See Global Justice Center, *Including the Slave Trade in the Draft Articles on Prevention and Punishment of Crimes Against Humanity*, 5 October 2023, <https://www.globaljusticecenter.net/including-the-slave-trade-in-the-draft-articles-on-prevention-and-punishment-of-crimes-against-humanity/>; Patricia Viseur Sellers and others, “Time to Enumerate the Slave Trade as a Distinct Provision in the Crimes Against Humanity Treaty”, *Just Security*, 15 November 2023, <https://www.justsecurity.org/90085/time-to-enumerate-the-slave-trade-as-a-distinct-provision-in-the-crimes-against-humanity-treaty/>

<sup>38</sup> This is evinced by the separate enumeration of both slavery and slave trade prohibitions in several international instruments, including the Convention to Suppress the Slave Trade (1926) 60 LNTS 254, entered into force on 9 March 1927 (“1926 Slavery Convention”), and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), 266 UNTS 40, entered into force on 30 April 1957 (“1956 Supplementary Slavery Convention”).

<sup>39</sup> 1926 Slavery Convention, Article 1(1); Rome Statute, Articles 7(1)(c) and 7(2)(c); ICC Elements of Crimes, 2 November 2000, UN Doc. PCNICC/2000/1/Add.2, Article 7(1)(c) -1; International Criminal Court, Office of the Prosecutor, *Policy on Slavery Crimes*, December 2024, <https://www.icc-cpi.int/sites/default/files/2024-12/policy-slavery-web-eng.pdf>

<sup>40</sup> 1956 Supplementary Slavery Convention, Article 7(c). Slave trade therefore contemplates acts which precede enslavement, such as the capture, abduction, kidnapping or transfer of any person or persons for purposes of enslavement, as well as the transport, transfer, sale or exchange of an enslaved person from one situation of slavery to another, without claiming actual powers of ownership. ICC Office of the Prosecutor, *Policy on Slavery Crimes* (previously cited), para. 68.

## **9. PERSECUTION SHOULD BE A STAND-ALONE, AUTONOMOUS CRIME AGAINST HUMANITY (DRAFT ARTICLE 2(1)(H))**

Amnesty International considers that persecution should be an autonomous crime, independent of any other crime against humanity.<sup>41</sup> States should propose removing the expression “in connection with any act referred to in this paragraph” contained in Draft Article 2(1)(h). This additional jurisdictional threshold is neither demanded by general international law nor necessary or appropriate for prosecutions on the national level.

The particularly heinous form of discrimination inherent in persecution in itself warrants international criminalization. Making persecution dependent on the commission of other crimes against humanity reduces a crucial remedy to victims, particularly those belonging to groups subject to systemic discrimination or marginalization, such as women, LGBTI persons and racialized groups.

Separately, adding age and disability as specific grounds of persecution would make the unique harms faced by such groups when specifically targeted, for example children, more visible and increase the likelihood of this charge being brought by prosecutors.<sup>42</sup>

## **10. STATES SHOULD REMOVE RESTRICTIVE LANGUAGE FROM THE DEFINITION OF ENFORCED DISAPPEARANCE (DRAFT ARTICLE 2(2)(I))**

States should remove from the present definition of enforced disappearance the wording “with the intention of removing them from the protection of the law for a prolonged period of time”. There is no need to retain the restrictive language of Article 7(2)(i) of the Rome Statute, which requires the perpetrator of an act of enforced disappearance to have had the double “intention” of removing a person from the protection of the law and doing so “for a prolonged period of time.”

Such wording is absent in the definitions contained in the CPED and the 1992 Declaration on the Protection of all Persons from Enforced Disappearance. Removing these requirements would therefore align with the treaty obligations CPED states parties already bear and ease implementation of the future Convention. The CPED also obliges states to criminalize enforced disappearance (Article 4), making additional restrictive elements unnecessary.

## **CLUSTER #2 – PART 2: GENERAL OBLIGATIONS (ARTICLES 3 AND 4)**

### **11. THE OBLIGATION TO PREVENT: STATES SHOULD MAINTAIN THE TEXT OF DRAFT ARTICLES 3(2) AND 4**

Amnesty International believes that the provisions on the obligation to prevent at the very least should be preserved, but also that some improvements can be made.

Regarding Draft Article 3(2) the organization believes that not enough weight was afforded to key aspects of International Court of Justice (ICJ) jurisprudence on the obligation to prevent genocide, and these aspects should apply by analogy to the obligation to prevent crimes against humanity.<sup>43</sup> Amnesty International suggests that this understanding should be clarified.

Amnesty International further welcomes the language included in Draft Article 4. On the obligation of cooperation envisaged under Draft Article 4(b), the recently adopted Ljubljana-The Hague Convention on mutual legal assistance for international crimes<sup>44</sup> clarifies and cements obligations of states to cooperate with each other in investigations and prosecutions involving crimes under international law. It should be considered positively in future deliberations.

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<sup>41</sup> The Statutes of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Statute of the SCSL, the Law on the Extraordinary Chambers in the Courts of Cambodia, the Kosovo Law on Specialist Chambers and Specialist Prosecutor’s Office, and the Statute of the African Court of Justice and Human Rights (as amended by the Malabo Protocol), do not require any additional connection whatsoever with other crimes for the crime against humanity of persecution. See Amnesty International, *The problematic formulation of persecution under the Draft Convention on crimes against humanity* (Index: IOR 40/9248/2019), 30 October 2018, <https://www.amnesty.org/en/documents/ior40/9248/2018/en/>

<sup>42</sup> See below Points 25 and 26.

<sup>43</sup> Brenda Nanyunja and Vito Todeschini, “The ‘Obligation to Prevent’ in a Future Crimes Against Humanity Convention”, Just Security, 27 September 2024, <https://www.justsecurity.org/100036/crimes-against-humanity-obligation-prevent/>; Amnesty International, *Further Recommendations* (previously cited), section 4.1.

<sup>44</sup> Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes, adopted in Ljubljana, Slovenia, on 26 May 2023. At the end of 2025, the convention had been ratified by one state (Latvia) and signed by 39 other states.

## CLUSTER #3 – NATIONAL MEASURES (ARTICLES 6, 7, 8, 9 AND 10)

### **12. CURRENT DRAFT ARTICLE 6(3) ON THE RESPONSIBILITY OF COMMANDERS AND OTHER SUPERIORS SHOULD BE ADOPTED**

Amnesty International welcomes the current Draft Article 6(3), which holds civilian superiors to the same standards as military commanders. The text reflects customary international law, as well as conventional international law, such as Protocol I to the Geneva Conventions, which holds civilian superiors to the same standards as military commanders.<sup>45</sup> To ensure that national systems of justice are as effective as possible and apply the same standard throughout, the organization recommends that current Draft Article 6(3) should be adopted.

### **13. CRIMES AGAINST HUMANITY SHOULD NOT BE SUBJECT TO STATUTES OF LIMITATION (DRAFT ARTICLE 6(6))**

Amnesty International calls on states to more clearly express the prohibition under international law of statute of limitations for crimes against humanity. This follows from the *jus cogens* character of crimes against humanity.<sup>46</sup>

Draft Article 6(6) contains a ban on statutes of limitation. However, the wording of the article could suggest the need for national implementing legislation for this prohibition to have binding effect (“*shall take the necessary measures*”). Draft Article 6(6) could be enhanced by including a provision similar to those in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity<sup>47</sup> or Article 29 of the Rome Statute,<sup>48</sup> which directly confirm that crimes against humanity are not subject to statutes of limitation. This principle and approach are now also expressed in Article 11 of the Ljubljana-The Hague Convention. Such a provision, included in addition to the present language, would strengthen the Draft Article.

### **14. STATES SHOULD ENSURE THE NON-APPLICABILITY OF STATUTORY LIMITATIONS TO CIVIL TORT SUITS OR OTHER CLAIMS FOR REPARATION**

Because statutory limitations do not apply to crimes under international law, such as genocide, crimes against humanity and war crimes, they should not apply either to criminal, civil, disciplinary or administrative proceedings in which victims of such crimes seek full reparation, including schemes for claiming reparations outside of judicial remedies.<sup>49</sup>

### **15. STATES SHOULD MAKE PROPOSALS TO MORE EFFECTIVELY HOLD LEGAL PERSONS LIABLE (DRAFT ARTICLE 6(8))**

Provisions regulating the liability of legal persons are crucial to prevent, punish and redress the harm caused by business enterprises – such as multinational corporations and private military and security companies – and others involved in crimes against humanity. For this to be effective, the present Draft Article 6(8) should become a stand-alone article, as the liability of legal persons under criminal, civil or administrative law extends beyond “criminalization” under Draft Article 6.<sup>50</sup> The provision should also confirm that the liability of legal persons is independent of – meaning neither conditional on nor negating – the liability of any natural persons and that effective, proportionate and dissuasive sanctions, commensurate with the gravity of the offence, can be imposed.

The enforceability of any such provision should be improved by removing the multiple clauses deferring to national law, since the text already affords states sufficient flexibility in determining the form of liability applicable under their law.

### **16. ESTABLISHMENT AND EXERCISE OF JURISDICTION: STATES SHOULD MAINTAIN DRAFT ARTICLES 7 AND 9**

Draft Article 7, aligning with treaty law,<sup>51</sup> domestic case law, and expert commentary, does not indicate that one basis of jurisdiction – such as territorial, active personality or passive personality – is preferred. This means no hierarchy exists among the various bases of jurisdiction.<sup>52</sup> States should reject proposals to provide priority of some bases of jurisdiction over others.

<sup>45</sup> Article 87(3), Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977. See also, *mutatis mutandi*, ICRC, Customary International Humanitarian Law, Rule 152 (“Commanders and other superiors are criminally responsible for war crimes committed pursuant to their orders”).

<sup>46</sup> See above Point 1.

<sup>47</sup> Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (adopted in New York, 26 November 1968; entry into force: 11 November 1970), 754 UNTS 73. Article I (“No statutory limitation shall apply to the following crimes, irrespective of the date of their commission...”)

<sup>48</sup> Rome Statute, Article 29: “The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations.”

<sup>49</sup> Amnesty International and others, *Joint Briefing: Victims and Survivors* (previously cited), pp. 8/9.

<sup>50</sup> See also, TRIAL International, *The Liability of Legal Persons in the Future Convention on the Prevention and Punishment of Crimes Against Humanity*, January 2026, <https://trialinternational.org/wp-content/uploads/2026/01/CAH-Briefing-Paper.pdf>, as endorsed by Amnesty International, ECCHR, FIDH, REDRESS, and Women’s Initiatives for Gender Justice.

<sup>51</sup> Including the CAT (Article 5), the CPED (Article 9), and the Ljubljana-The Hague Convention (Article 8).

<sup>52</sup> For references, see Amnesty International, *Establishment and exercise of criminal jurisdiction in a future Convention on Crimes Against*

The Draft Articles already envisage avenues of cooperation if multiple states may intend to initiate criminal proceedings. The duty to notify all states with potential jurisdiction if a suspect is taken into custody (Draft Article 9(3)) allows them to submit extradition requests, including states which could exercise territorial or active personality jurisdiction. While no obligation exists in international law to comply with extradition requests, Draft Article 9(3) (with Draft Article 13(12)-(13))<sup>53</sup> provides sufficient avenues to address cases of potentially competing exercises of jurisdiction and allow all states interested in bringing genuine criminal proceedings to make their case.

#### **17. THE OBLIGATION TO PROSECUTE OR EXTRADITE SHOULD BE MAINTAINED (DRAFT ARTICLE 10)**

When persons suspected of criminal responsibility for crimes against humanity are found in any place subject to a state's jurisdiction, that state must bring them to justice, unless it decides to extradite them to another state or surrender them to an international criminal tribunal for prosecution. In line with established treaty law and international and national jurisprudence,<sup>54</sup> prosecution under Draft Article 10 is an obligation, while extradition or surrender is an option left to states. States should reject attempts to undermine this provision.

Draft Article 10 confirms the absence of hierarchy among the various bases of jurisdiction,<sup>55</sup> incorporating the *aut dedere aut judicare* principle without providing for a priority to any jurisdictional principle. Under international law, a state under whose jurisdiction a suspected perpetrator is found may open a criminal investigation without having to offer, grant, or wait for extradition requests by other states.<sup>56</sup>

### CLUSTER #4 - INTERNATIONAL MEASURES (ARTICLES 13, 14 AND 15 (AND ANNEX))

#### **18. DISPUTE SETTLEMENT SHOULD INCLUDE PROMPT AND EFFECTIVE ACCESS AND COMPULSORY ICJ JURISDICTION (DRAFT ARTICLE 15)**

Draft Article 15 should be revised to ensure prompt and effective access to its dispute settlement process, including a strict time limit on negotiations, and compulsory acceptance of the ICJ's jurisdiction.

To prevent protracted negotiations under Article 15(1) and react with urgency to any situation allegedly involving crimes against humanity, Article 15(2) should include a strict time limit for negotiations, after which the option to submit the dispute to the ICJ is open. Where negotiations do not lead to the settlement of a dispute, discussions about potential arbitration should not delay the commencement of judicial resolution further. States parties should not be allowed to make dispute settlement ineffective by prolonged procedural discussions about negotiations, arbitration or settlement by the ICJ.

Amnesty International further recommends replacing the opt-out provision in Draft Article 15(3) with compulsory acceptance of the ICJ's jurisdiction should negotiations fail, and the dispute is not submitted to arbitration.

### CLUSTER #5 - SAFEGUARDS (ARTICLES 5, 11 AND 12)

#### **19. DRAFT ARTICLE 5 SHOULD BE AMENDED TO ENHANCE PROTECTION UNDER THE PRINCIPLE OF NON-REFOULEMENT**

Amnesty International welcomes the inclusion of Draft Article 5. *Non-refoulement* is part of customary international law, therefore binding all states whenever they exercise effective control over a person.

Nevertheless, Draft Article 5(1) should be expanded: *non-refoulement* should not only be limited to prohibiting expulsion, return, surrender or extradition "where there are substantial grounds for believing that he or she would be in danger of being subjected to a crime against humanity" (emphasis added). Instead, Draft Article 5(1) should prohibit any transfer or removal of a person to another country, territory or jurisdiction where they would face a real risk also of any other crime

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*Humanity*, 12 March 2024 (Index: IOR 40/7780/2024), <https://www.amnesty.org/en/documents/ior40/7780/2024/en/>

<sup>53</sup> As applicable, a prosecuting or custodial state must "give due consideration" to requests by a state with territorial jurisdiction (Draft Article 13(12)) and generally consult with the requesting State, giving "ample opportunity to present its opinions and to provide information" (Draft Article 13(13)).

<sup>54</sup> CAT (Article 7), CPED (Article 11), the Ljubljana-The Hague Convention (Article 14) and Articles 49, 50, 129 and 146 of the 1949 Geneva Conventions I-IV, respectively; ICJ, *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, judgment, 20 July 2012, paras 94-95; UN Committee against Torture, Decision: *Suleymane Guengueng et al. v. Senegal*, adopted on 19 May 2006, UN Doc. CAT/C/36/D/181/2001, para. 9.7; Court of Appeal of England and Wales, *KL v. Regina*, Case EWCA Crim. 1729, 7 August 2014, para. 71(4).

<sup>55</sup> See above Point 16.

<sup>56</sup> For further references, see Amnesty International, *Establishment and exercise of criminal jurisdiction* (previously cited).

under international law (such as genocide, war crimes, torture, enforced disappearance, or extrajudicial execution) or other serious human rights violation or abuse (including persecution, application of the death penalty in violation of international law, flagrantly unfair trials, or trials before military courts or commissions).

#### **20. FAIR TREATMENT OF THE ALLEGED OFFENDER MUST BE ENSURED (DRAFT ARTICLE 11(1))**

Amnesty International calls on states to propose amending Draft Article 11(1) by following an approach similar to the Rome Statute, that is, to set out in detail the fair trial rights guaranteed. These should be at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

The Draft Articles should ensure that any person suspected of criminal responsibility for a crime against humanity, as well as any person so accused, is afforded the right to a fair trial in accordance with the highest standards of international law during all stages of proceedings. Draft Article 11(1) does not seem to fully reflect that right, as set out, for example, in Article 55 (“Rights of persons during an investigation”) and Article 67 (“Rights of the accused”) of the Rome Statute.

#### **21. THE RIGHT TO CONSULAR ASSISTANCE SHOULD BE EXPANDED IN LINE WITH INTERNATIONAL LAW (DRAFT ARTICLE 11(2))**

Draft Article 11(2) should incorporate that the individual right to consular assistance of any foreign national or stateless person deprived of his or her liberty exists regardless of their immigration status.<sup>57</sup>

In addition, Draft Article 11(2) should explicitly encompass the arranging of a lawyer by the state exercising consular assistance and upon request by the detainee, as provided by the Vienna Convention on Consular Relations,<sup>58</sup> as well as obtaining evidence from the home country and monitoring the treatment, and other respect for the rights, of the individual.

Further, Draft Article 11(2) should include that the rights to have consular representatives informed, and communicate with and be visited by them, should be afforded to individuals who are nationals of both the state that has arrested or detained them and a foreign state.

#### **22. CENTERING VICTIMS AND SURVIVORS (DRAFT ARTICLE 12)**

States must centre victims and survivors in the Convention, setting out and protecting robustly their rights throughout.<sup>59</sup>

A survivor-centred approach requires, among others, an explicit definition of “victim”,<sup>60</sup> sufficiently broad to encompass all persons who suffer harm from crimes against humanity, and not leaving this to states’ sole discretion. Amnesty International proposes following the approach set out in Rule 85 of the Rules of Procedure and Evidence of the ICC and, to some extent, Article 81 of Ljubljana-The Hague Convention,<sup>61</sup> recognizing as victims natural persons who have suffered harm and in certain situations organizations or institutions.

Draft Article 12(3) should be broadened to ensure all victims and survivors of crimes against humanity have access to prompt, full and effective reparations, and centre on the harm suffered by victims and survivors.<sup>62</sup> The right to reparation should be accessible through judicial proceedings but also complementary reparations mechanisms, such as civil, administrative, or disciplinary proceedings and programmes.<sup>63</sup>

#### **23. REFUSAL OF REQUESTS FOR EXTRADITION OR MUTUAL LEGAL ASSISTANCE (DRAFT ARTICLE 13(7) AND ANNEX, PARA. 8)**

States should propose enumerating grounds for refusing extradition and expanding the grounds for refusing mutual legal assistance, following the Ljubljana-The Hague Convention (there Articles 30 and 51), including when there are substantial grounds to believe that discriminatory prosecution or punishment, unfair trials, torture or other ill-treatment, or other serious human rights violations could follow. In particular, Amnesty International proposes adding provisions whereby any request for extradition or mutual legal assistance made regarding an offence punishable with the death penalty under the law of the requesting state shall be refused by the requested state.<sup>64</sup>

<sup>57</sup> See also UN General Assembly, Resolution 65/212, *Protection of migrants*, adopted on 21 December 2010, UN Doc. A/RES/65/212.

<sup>58</sup> Article 36, Vienna Convention on Consular Relations (adopted in Vienna on 24 April 1963; entry into force: 19 March 1967), 596 UNTS 261.

<sup>59</sup> Amnesty International and others, *Joint Briefing: Victims and Survivors* (previously cited).

<sup>60</sup> Among others, the CPED, Article 24(1), and the Convention on Cluster Munitions (adopted on 30 May 2008, entered into force 1 August 2010), Article 2(1), contain examples that could be of inspiration for a future Convention.

<sup>61</sup> Amnesty International, *General Recommendations* (previously cited), section 14; Amnesty International, *17-Point Program* (previously cited), section 14.

<sup>62</sup> Amnesty International and others, *Joint Briefing: Victims and Survivors* (previously cited), sections II and III.

<sup>63</sup> Amnesty International, *General Recommendations* (previously cited), section 14.

<sup>64</sup> The UN Human Rights Committee has stated that in order to remove the threat of the death penalty by guarantees of the requesting state, those

On the other hand, the organization considers counterproductive including the vague grounds for refusal “sovereignty, security, *ordre public* or other essential interests”<sup>65</sup> that are open to abuse and difficult to challenge, in a Convention designed to improve state cooperation with regard to crimes against humanity and for which each state has a duty to investigate and prosecute (or extradite).<sup>66</sup>

## ADDITIONAL PROVISIONS

### **24. A STRONG GENERAL NON-DISCRIMINATION AND SUBSTANTIVE EQUALITY CLAUSE SHOULD BE ADDED**

States should propose a non-discrimination clause, drafted as broadly as possible. Such a provision should guarantee the application of the Convention without any adverse distinction founded on grounds such as sex/gender, sexual orientation or expression, gender identity, age, disability, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth, caste, or any other ground prohibited under international law, any intersecting forms of discrimination, and ensure substantive equality.

The rights to non-discrimination and equality are important for the exercise of participatory rights, fair trial rights, and the protection and remedies afforded by the obligations laid out in the Convention. For present purposes this is especially important as underlying discrimination and inequality cause or significantly contribute to many crimes against humanity. Further, equality is an essential element of a survivor-centric approach,<sup>67</sup> which requires states to ensure the substantive equality of those facing stigma and marginalization.

### **25. STATES SHOULD ENSURE THE RIGHTS OF PERSONS WITH DISABILITIES**

States should propose amendments to effectively recognize crimes against humanity against persons with disabilities.<sup>68</sup> These should secure protections for and make visible the unique harms experienced. Historically, persons with disabilities have faced specific crimes against humanity, including but not limited to: enforced sterilization and forced abortions, mass imprisonment, targeted killings, torture and other ill-treatment, including non-consensual medical experimentation, as well as their widespread targeting and other serious abuses. The Convention should promote the full and equal participation of persons with disabilities in processes to seek redress for such crimes as they frequently face additional barriers to reporting crimes, participating in investigations, or obtaining reparations.

Among others, disability should be included as another express ground of committing the crime of persecution.<sup>69</sup> Provisions for all stages of proceedings should guarantee effective participation and protection of persons with disabilities, including through making such processes accessible.

### **26. STATES SHOULD RECOGNIZE CRIMES AGAINST HUMANITY AGAINST CHILDREN**

Amnesty International supports the inclusion of child-specific provisions in the Convention, to increase the visibility of crimes affecting children.<sup>70</sup> Children are frequently and deliberately targeted. The gravity, scale and effects of crimes committed against them, and the additional human rights safeguards that apply, justify strengthening children’s protection. The harm to children’s physical, psycho-social and emotional development is often more severe and long-lasting than for adults, affecting their whole lives and future.

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must be “credible and effective”, provide for “adequate mechanisms for ensuring compliance”, and must already remove the threat of exposure to the death penalty as such, not only of its implementation; see General Comment 36 – Article 6: right to life (2019), UN Doc. CCPR/C/GC/36, paras 30, 34.

<sup>65</sup> See, in particular, Draft Articles, Annex, para. 8: “Mutual legal assistance may be refused: ... (b) if the requested State considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests”.

<sup>66</sup> See above Point 17.

<sup>67</sup> See above Point 22.

<sup>68</sup> Amnesty International and others, *Global: States should enable broad civil society participation in the negotiations on the Convention on Crimes Against Humanity, and ensure the rights of persons with disabilities*, 19 January 2026 (Index: IOR 40/0608/2026), <https://www.amnesty.org/en/documents/ior40/0608/2026/en>; see also, Initiative for Disability Inclusion in the Convention on Crimes against Humanity, *Towards Inclusive Justice: Addressing Persons with Disabilities in the Convention on Crimes against Humanity* (November 2025), <https://globalrightscpliance.org/towards-inclusive-justice-addressing-personswith-disabilities-in-the-convention-on-crimes-against-humanity/>

<sup>69</sup> Apart from making persecution an autonomous crime and adding age as a specific ground; see above Point 9, and Amnesty International, *Further Recommendations* (previously cited), section 3.3.1.

<sup>70</sup> The organization has endorsed a number of respective recommendations put forward by a broad civil society coalition working to increase justice for children; see Children and Crimes Against Humanity Coalition, *Justice for Children* (previously cited); see also Zama Neff and others, “Justice for Children in a Future Crimes Against Humanity Treaty”, *Just Security*, 19 May 2025, <https://www.justsecurity.org/113376/justice-children-future-crimes-against-humanity-treaty/>

States should, among others, propose recognizing children as a special victim group; define a child as any person below the age of 18 without exception; add age as a specific ground in relation to the crime of persecution;<sup>71</sup> add recruitment and use of children as a stand-alone crime against humanity; exclude persons accused of committing crimes against humanity as children from prosecution in adult criminal justice systems; and provide for their access to justice, protection and reparations.

#### **27. PROHIBITION OF MILITARY COURTS OR OTHER TRIBUNALS OF EXCEPTIONAL JURISDICTION**

Amnesty International encourages states to propose a provision that persons suspected of criminal responsibility for crimes against humanity, including military personnel, shall be tried only in the competent jurisdictions of ordinary law in each state, to the exclusion of any exceptional jurisdiction and, in particular, of military courts or commissions, and that extradition or mutual legal assistance may be refused otherwise. This principle is now also contained in Article 30 of the Ljubljana-The Hague Convention.

#### **28. PROHIBITION OF AMNESTIES, PARDONS, IMMUNITIES AND OTHER MEASURES LEADING TO IMPUNITY**

Amnesty International urges all states to propose a new provision whereby amnesties and other similar measures of impunity must be explicitly prohibited in the Convention, codifying the rule under customary international law that amnesties for those suspected of criminal responsibility for crimes against humanity are impermissible.<sup>72</sup> The organization considers that a prohibition of amnesties for crimes under international law is a necessary legal consequence of the peremptory character (*jus cogens*) of the prohibition of crimes against humanity.<sup>73</sup> This is reflected in the practice of international criminal courts and tribunals, human rights bodies, as well as national legislation and jurisprudence in many countries.<sup>74</sup>

Bar a few very exceptional cases, pardons may not apply to those suspected of criminal responsibility for crimes under international law, such as crimes against humanity, or other gross human rights violations or to those found guilty for such crimes and violations.<sup>75</sup>

#### **29. THE CONVENTION MUST BE BINDING IN ALL PLACES UNDER THE STATE'S JURISDICTION, INCLUDING IN FEDERAL STATES**

States have an obligation to respect and ensure human rights for all persons in any territory subject to their jurisdiction, which includes all persons over whose enjoyment of human rights they exercise power or effective control. This means that a state's obligations also apply to all places where it exercises authority over a person's enjoyment of a human right, even if outside of a state's territory.

States should agree that the Convention is binding in respect of all places under the state party and its various components' jurisdiction. For example, Article 29 of the Vienna Convention on the Law of Treaties, which reflects customary international law, the 1966 ICCPR, the 1989 Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and the 2006 CPED, take this approach to explicitly incorporate a provision on the territorial scope of the treaty.

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<sup>71</sup> Apart from making it an autonomous crime and adding "disability", see above Points 9 and 25.

<sup>72</sup> See, Amnesty International, *International Law Commission: Initial Recommendations for a Convention on Crimes Against Humanity*, 2015 (Index: IOR 40/1227/2015), section III (3), <https://www.amnesty.org/fr/wp-content/uploads/2021/05/IOR4012272015ENGLISH.pdf>

<sup>73</sup> See above, Point 1.

<sup>74</sup> See Amnesty International, *General Recommendations* (previously cited), section 12.

<sup>75</sup> See, Amnesty International, *Peru: IACHR: Amicus Curiae brief in the cases of "La Cantuta" and "Barrios Altos" vs. Peru* (Monitoring compliance with judgments), February 2018 (Index: AMR 46/7821/2018), [www.amnesty.org/es/documents/AMR46/7821/2018/en](http://www.amnesty.org/es/documents/AMR46/7821/2018/en)

### **30. THE CONVENTION SHOULD PROHIBIT ANY RESERVATIONS TO ITS TEXT**

Following the precedent set by Article 120 of the Rome Statute,<sup>76</sup> the Convention should declare that no reservation whatsoever may be made to any provision of this treaty. This is separate to whether the eventual Convention explicitly allows to opt in or out of a specific provision.<sup>77</sup>

Amnesty International is of the view that a general ban on reservations ensures that all states parties are subject to the same obligations and that these obligations are readily known to all states and to the general public. This is especially important for consistent and reliable cooperation, extradition and mutual legal assistance.

Not prohibiting reservations to this Convention could open the door to states making reservations which could defeat its object and purpose; furthermore, it could create conflicts with the strict regime of states parties' obligations regarding crimes against humanity under the Rome Statute.<sup>78</sup>

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<sup>76</sup> "No reservations may be made to this Statute." Some human rights treaties also expressly prohibit reservations *in toto*, for example the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (Article 21) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Article 9); the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (Article 2(1)) and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty (Article 2(1) prohibit reservations in general, with a single specific exception relating to wartime.

<sup>77</sup> See above Point 18 on dispute settlement.

<sup>78</sup> See Amnesty International, *International Law Commission: Initial Recommendations*, 2015 (previously cited), pp 27-29.