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Draft Articles 2, 3, and 4
of the International Law Commission Draft Articles
on the Prevention and Punishment of Crimes against Humanity

Monday, 1 April 2024

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Thank you, Mr. Chair,

Allow me to take this opportunity to convey our observations as follows.

FIRST, Indonesia believes that **Draft Article 3, Paragraph 1**, requires further refinement.

The current formulation of Draft Article 3, Paragraph 1, lacks several crucial dimensions, addressing both the substance issue and the critical issue of **responsibility dimensions**.

From the commentary, we understand that the general obligation “*not to engage in acts*” as outlines in Paragraph 1 of Draft Article 3 includes two components.

First, States have an obligation “*not to commit such acts through their own organs, or persons over whom they have such firm control that their conduct is attributable to the State concerned under international law*”.

A breach of the obligation not to commit such acts

wrongful act.”

While my delegation agrees with the rationale proposed by the commentary, we are **not satisfied with the drafting** of paragraph 1 of Draft Article 3.

In fact, my delegation emphasizes that the primary aim of this Draft Article is to strengthen international cooperation among states parties.

An additional provision concerning respect for the principles of sovereignty and non-interference would be crucial to ensure that domestic jurisdiction and the principle of complementarity are upheld and respected.

I thank you.
