67th Session of the General Assembly of the United Nations

Sixth Committee

International Law Commission
Report on ILC's 64th Session

(*aut dedere aut judicare*

Speech delivered on behalf of

New York, November 2012

Mr. Chairman,

I would like to refer now to ***Chapter VI of the Report*** - ***The immunity of State officials from foreign criminal jurisdiction-*** a complex and sensitive topic that is relevant not only for international law as such, but for the international relations as a whole. In this context, please allow me to express our gratitude for the preliminary work embodied in the three reports carried out by Mr. Roman Kolodkin that constituted a good starting point. I would also like to congratulate Ms. Concepción Escobar Hernández for her appointment as Special Rapporteur and for the valuable work she has done so far as evidenced by the "transitional" report that she has already presented.

Although the topic is classical for international law, it has indeed many facets and contains several sensitive issues that should be further addressed in the light of the new developments and taking into consideration the relevant values and principles of contemporary international law. It requires a systemic approach from a fresh perspective that we do hope that it will be ensure   prhe   f4tl-6 (i)06 6.6 (a 66.3 (

and the circumstances in which the States resorted to provisional application of treaties would be useful for the future work of the Commission on this topic.

We share the view of the Special Rapporteur - and we take this opportunity to congratulate Mr. Juan Manuel Goméz - Robledo for his appointment - that the first basis for the consideration of the topic should be the work undertaken on the law of treaties and the analysis of the *travaux préparatoires* of the 1969 Vienna Convention on the Law of Treaties. We also think that the final outcome of the Commission's work - draft articles or guidelines or model clauses- may be decided at a later stage after the preparation of the first report.

I would like now to refer briefly to