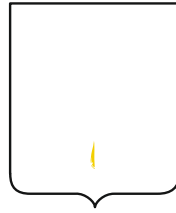


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Unofficial translation

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28 October 2016

STATEMENT
by the representative of the Russian Federation
in the Sixth Committee of the 71st UN GA session on agenda item
“Report of the International Law Commission on the work of its 68th session”
(Topics:

committed crimes against humanity. In our view, the person who committed a crime against humanity should not enjoy any special rights during investigation and trial. Therefore, the abovementioned provisions can create not quite correct impression in this regard.

As to the formula used in article 9 on the obligation to judge or extradite (*aut dedere aut judicare*) we would propose to exclude

. It seems that the purpose of this convention is to set up States. The interaction with international tribunals is regulated by special agreements and in certain cases by the decisions of the UN Security Council. We believe that such cooperation is not subject to regulation by this convention.

We should like also to note that, in our view, the draft should not and does not prejudice the norms pertaining to the immunities of State officials. Perhaps, this understanding should be directly recorded in the draft articles.

We studied with great interest the first report of Mr. Dire Tladi as Special Rapporteur for the topic of “*Jus cogens*” and the debates in the Commission. We believe that this topic is one of the key elements of the current agenda of the Commission.

practice of States in its application should become the priority issue in the work of the Commission on this topic.

We are looking forward with interest to the study by the Commission of the *jus cogens* norms from the viewpoint of the consequences referred to in the Vienna Convention and more precisely the fact that any treaties that are not consistent with the *jus cogens* norm are void.

On the issue of developing an illustrative list of peremptory norms we would like to note the following.

The indicative list in any case would lead us to indefinite discussions why some norms have been included and some other have not. In our view the attention should be drawn in the first place to the identification of criteria that determine the *jus cogens* norms on the basis of the provisions of the Vienna Convention. The developing of the list (and we fully support the Special Rapporteur in this regard) can dilute this topic

ifting the accent of discussion to the legal status of specific norms instead of focusing on the identification of general requirements for the definition of such norms and consequences for *jus cogens*. As it seems, there is no consensus whether it is appropriate to develop such a list either in the Commission or in the Sixth Committee. Therefore, it would be probably correct to come back to this issue at a later stage in the work of the Commission.

We do not tend to support the assumption that there are regional peremptory rules of international law.

We agree that the result of the work of the Commission should be the draft conclusions.

We will be prepared to present more specific commentaries on this topic as we go during