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STATEMENT

BY

Ms Danijela Horvat

**International Law Department
Ministry of Foreign Affairs of the Republic of Slovenia**

Agenda item 81

Report of the International Law Commission on the work of its sixty-ninth session, Cluster 2, Chapter VII: Immunity of State officials from foreign criminal jurisdiction

72nd Session of the General Assembly
Sixth Committee

New York, 26 October 2017

Mr Chairperson,

It is my pleasure to address the Sixth Committee regarding the work of the International Law Commission on Cluster 2 topic 'Immunity of State officials from foreign criminal jurisdiction'.

However, while we understand the selection criteria used by the Commission in enunciating the draft annex, the limited approach in referring to the existing relevant sources of definitions of the crimes might appear unusually selective. For example, the annex does not list the Geneva Conventions and protocols thereto. Furthermore, listing the various conventions under specific subheadings, while omitting them from others, could give the impression, for example, that the Rome Statute does not proscribe the crimes of apartheid, torture, and enforced disappearances. What is more, not all states are parties to the listed conventions and not all states have transposed the relevant definitions into their domestic legal order. Slovenia proposes that the idea of an annex be considered again, both in terms its content and format. Alternatively, if not more advisably, the Commission could consider whether it would not be more appropriate to make a general reference to the sources of the definitions of the crimes as contained in widely accepted and contemporary treaties when guiding states to