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of occupation is the obligation of the occupying power to respect the laws in

force in the occupied territory; the obligation to restore and ensure public safety; the obligation to ensure sufficient hygiene and public health standards; and the prohibition against the destruction of property. We encourage the Commission to highlight such complementarities in their work. Furthermore, we also encourage the Commission to recognise the growing appreciation that other bodies of law are not wholly displaced by the applicability of international humanitarian law or the law of occupation or the *lex specialis*

**Mr Chairman**

We also studied carefully the draft principles (19, 20 and 21) provisionally adopted by the Drafting Committee of the Commission during its session this year and we wish to make the following comments:

- We note that the Drafting Committee omitted the reference to “adjacent

**Mr Chairman**

Looking ahead, when considering the principles governing non-international armed conflicts specifically, the Commission should bear in mind the increasing convergence of norms applicable to international and non-international armed conflicts; and to appreciate the fact that the potential impact on the environment can be equally severe in either of these two kinds of conflicts. We also support proposals made for the Commission to address issues of responsibility, liability, compensation and reparations for harm done

to the environment during armed conflict and occupation, particularly in terms

of the "polluter-pays" principle, as well as possible enforcement measures

Similarly, we would also welcome the Commission considering the applicability of the precautionary principle in situations of armed conflict and

Mr Chairman

~~My delegation supports the view that the procedural aspects of immunity from~~

criminal jurisdiction should not be restricted to the exceptions in draft Article 7, but ought to apply to all draft Articles. However, we wish to echo the view of the Special Rapporteur that a distinction should be drawn between the procedural aspects related to immunity *ratione materiae* and immunity *ratione personae*.

The Special Rapporteur focused her report broadly on three procedural aspects: a) the timing of the consideration of immunity; b) the acts of the authorities of a forum state that may be affected by immunity; and c) the identification of the organ competent to decide whether immunity applies.

In relation to timing, South Africa agrees that the consideration of immunity should occur at an early stage and we acknowledge that the application of immunity could be determined at the investigation phase.

However, South Africa notes that there are certain practical implications that arise during the investigation phase.

In this regard, the International Court of Justice's separate opinion in the Case

acknowledged that the possibility for other organs or State authorities to express their views depended on national law. In this regard, the prosecuting