

**CLUSTER 3 DEBATE, ON AGENDA
ITEM 80 ON CRIMES AGAINST HUMANITY, RESUMED SESSION OF
THE SIXTH COMMITTEE,
3 APRIL 2024**

Thank you, Mr Chairperson.

Singapore has comments on draft articles 6 and 7.

2 In relation to draft article 6, Singapore agrees with the clarification in paragraph 31 of the Commentary that draft article 6, paragraph 5 has no effect on the procedural immunity that a foreign State official may enjoy before a national criminal jurisdiction, which continues to be governed by conventional and customary international law. As a number of delegations have similarly indicated, draft article 6, paragraph 5 does not preclude immunity of State officials being raised as a procedural bar to the exercise of foreign criminal jurisdiction over State officials. In our view, this clarification should be set out in the text of the draft article itself to provide legal certainty that the obligation under paragraph 5 addresses only substantive criminal responsibility under national law.

3 Turning to draft article 6, paragraph 7, Singapore agrees that the appropriate penalties for offences under national criminal law is the sovereign prerogative of each State to determine, in conformity with applicable international law, including safeguards of due legal process. In relation to comments concerning the use of capital punishment, it is deeply disappointing that some countries continue to use these discussions on the draft articles to impose their views and values on other countries. This is inappropriate and unnecessary. We object to any suggestion that the draft articles should prohibit the application of the death penalty, and we also reject any insinuation that capital punishment amounts to torture or cruel, inhuman or degrading treatment or punishment. In this regard, Singapore reiterates our principled position, which is also shared by other countries, that international law does not prohibit the use of capital punishment and there is no international consensus prohibiting its use. The lack of consensus against the death penalty is reflected by the significant support for

