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International Law Commission

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Immunity of State officials from foreign criminal jurisdiction

Titles of Parts Two and Three, and texts and titles of draft article 7 and annex provisionally adopted by the Drafting Committee at the sixty-ninth session

Part Two

Immunity ratione personae*

. . .

Part Three

Immunity ratione materiae*

. . .

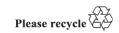
Draft article 7

Crimes under international law in respect of which immunity *ratione materiae* shall not apply

- 1. Immunity *ratione materiae* from the exercise of foreign criminal jurisdiction shall not apply in respect of the following crimes under international law:
 - (a) crime of genocide;
 - (b) crimes against humanity;
 - (c) war crimes;
 - (d) crime of apartheid;
 - (e) torture;
 - (f) enforced disappearance.
- 2. For the purposes of the present draft article, the crimes under international law mentioned above are to be understood according to their definition in the treaties enumerated in the annex to the present draft articles.

^{*} The Commission will consider the procedural provisions and safeguards applicable to the present draft articles at its seventieth session.







Annex

List of treaties referred to in draft article 7, para. 2

Crime of genocide

- Rome Statute of the International Criminal Court, 17 July 1998, article 6;
- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, article II.

Crimes against humanity

• Rome Statute of the International Criminal Court, 17 July 1998, article 7.

War crimes

• Rome Statute of the International Criminal Court, 17 July 1998, article 8, para. 2.

Crime of apartheid

• International Convention on the Suppression and Punishment of the Crime of *Apartheid*, 30 November 1973, article II.

Torture

• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984: article 1, para. 1.

Enforced disappearance

• International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, article 2.

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