



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

Check Against Delivery

69th Session of the
General Assembly

Agenda Item 78

**Report of the ILC:
Expulsion of Aliens
Protection of Persons in the Event of Disasters
Crimes against Humanity**

Statement by

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New York, October 27, 2014

Mr. Chairman,

In the present statement, the Czech Republic would like to focus on the Chapters IV, V and XIV of this year's report of the International Law Commission.

The Czech Republic welcomes the final draft articles on the topic "Expulsion of aliens" and would like to express its appreciation to the Commission and the Special Rapporteur, Mr. Maurice Kamto, for the progress and results achieved in the elaboration of the draft articles on the second reading. The articles represent an important contribution to the codification and development of international law and the Czech Republic regards the text of the draft articles as balanced. In particular, the Czech Republic appreciates that its previous comments and observations, especially concerning the relationship between the expulsion and the extradition proceedings as laid down in Article 12, have been taken into consideration. Furthermore, the Czech Republic would like to stress the importance of Articles 22 and 29 which encompass the issue of readmission. Finally, the Czech Republic would like to underline that, at this stage, it does not consider necessary to elaborate a convention on the basis of the draft articles.

The set of the draft articles on the "Protection of persons in the event disasters", adopted on first reading, represents another significant outcome of this year's session of the Commission. The Czech Republic would like to express its appreciation to the Commission and namely to Special Rapporteur, Mr. Eduardo Valencia Ospina, for his outstanding contribution to this issue. Since the draft articles will be transmitted to the Governments and other actors for thorough review and comments, the delegation of the Czech Republic will limit itself at this stage to a few general observations to the draft articles. The Czech Republic regards as important that, in drafting the whole set of draft articles, the Commission put an emphasis on human dignity, human rights and the principles of humanity, neutrality and impartiality as guiding principles for both negative and positive obligations of the affected state and other actors involved in providing assistance to affected persons. These principles find their expression, *inter alia*, in draft article 13, which sets forth that the affected State, to the extent that a disaster exceeds its national response capacity, has the duty to seek assistance from among other states and actors, as well as in draft article 14 paragraph 2, according to which the affected State cannot withhold its consent to external assistance arbitrarily. The Czech Republic regards these provisions as an important contribution to the stabilization of the basic rules in this field, since they confirm that the provision of assistance has to be guided by the interests, needs and the protection of fundamental human rights of those persons affected by disasters.

As far as Chapter XIV of the report is concerned, the Czech Republic commends the Commission for the inclusion of the topic "Crimes against humanity" in its programme of work and welcomes the appointment of Mr. Sean D. Murphy as Special Rapporteur for this topic. The Czech Republic is aware of the fact that there are important gaps in the current international legal framework governing the prosecution of crimes under international law and that the Commission's work on this topic should end up in providing a key missing piece in this framework. It is clear that the debates on this newly included topic will reflect and build upon current international legal framework, including the Rome Statute of the International Criminal Court and other relevant conventions, and the Commission's prior work on the topics "the obligation to extradite or prosecute" and the draft code of crimes against the peace and security of mankind. In addition, it will certainly take into account important efforts in other governmental and non-governmental fora, namely a proposal by the Governments of Argentina, Belgium, the Netherlands, Senegal and Slovenia to elaborate a multilateral treaty on mutual legal assistance and extradition in domestic prosecution of atrocity crimes, as well as the Crimes against Humanity Initiative of Whitney R. Harris World Law Institute. The

Czech Republic awaits with interest the first report by the Special Rapporteur and the ensuing discussion of the Commission on this topic.

Thank you, Mr. Chairman.