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Sixth Committee

“Crimes against humanity”

**Statement by Wieteke Theeuwen
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NEW YORK, 11 October 2022

Madam/ Mr Chair,

We align ourselves with the statement given by European Union on behalf of the EU. In addition to this statement, my delegation would like to make the following observations.

Crimes against humanity are among the most serious crimes under international law and their prevention and punishment is of concern to the international community as a whole. Despite being categorically prohibited under international law, civilian populations continue to be victims of such atrocities and perpetrators continue to act with impunity.

Three years ago, the ILC delivered a well-founded set of draft Articles on Crimes against humanity. That draft brought us a lot closer to the objectives that were identified when the ILC started its work in 2013, namely filling a gap in the international legal framework for the prevention and punishment of the worst international crimes. Among the three core international crimes, only crimes against humanity lack a convention. The current international context including the war in Ukraine once again illustrates the necessity to fill the gap in the international legal framework.

The elaboration of a Convention based on the draft articles, as recommended by the ILC, would strengthen the international criminal justice system and would contribute to strengthening national laws and criminal jurisdiction in the fight against impunity for crimes against humanity.

The Kingdom of the Netherlands would therefore strongly welcome the opening of treaty negotiations. At the same time, we understand that some delegations would first welcome further scrutiny of certain elements of the draft articles. We believe that an Ad Hoc Committee would offer an ideal forum for further examination of the draft articles while at the same time offering the possibility to make concrete progress towards the opening of treaty negotiations. As has been outlined by several delegations, it is essential for such an Ad Hoc Committee to have a clear mandate and a clear timeline for the completion of its work.

Madam/ Mr Chair,

The Kingdom of the Netherlands would also like to recall the mutual legal assistance initiative, or "MLA" initiative, launched by Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia, aimed at developing a modern operational framework ensuring effective inter-state cooperation for the prosecution at national level of crimes of genocide, crimes against

humanity and war crimes. A revised draft of the MLA Convention, will be presented during International Law Week in New York and the Assembly of States Parties to the Rome Statute in The Hague in December. This initiative, supported to date by 76 States, pursues a similar objective of fighting impunity for the most serious crimes as the draft articles of the ILC on crimes against humanity. However, its material scope and the general approach differ broadly.

On the one hand, the ILC's draft articles take a holistic approach and aim to address a wide range of rules and concepts, ranging from mutual legal assistance and the issue of extradition to prevention, state responsibility and reparations solely for crimes against humanity.

On the other hand, the MLA initiative focuses on creating a detailed modern and comprehensive framework for mutual legal assistance and extradition in case of crimes of genocide, crimes against humanity and war crimes.

These two projects are therefore complementary and can consequently coexist and continue to develop in parallel.

Thank you, Madam/ Mr Chair