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Crimes against Humanity

Statement by

Mr. Emil Ruffer

**Director of the International Law Department
Ministry of Foreign Affairs of the Czech Republic**

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As Delivered

One Dag Hammarskjöld Plaza, 48th floor
885 Second Avenue, New York, NY 10017
tel.: +1 (646) 981 4001, fax: +1 (646) 981 4099
www.mzv.cz/un.newyork

Mr. Chair,

We very much welcome the opportunity to exchange opinions on the Draft Articles on Prevention and Punishment of Crimes against Humanity during this resumed session of the Sixth Committee.

Allow me to start by a few **general remarks** on the draft articles before us. We appreciate and thank the Commission and its Special Rapporteur, Mr. Sean D. Murphy, for all the hard work done on the draft. In my delegation's view, the Commission's draft provides an excellent basis for negotiations and future convention on prevention and prosecution of crimes against humanity. We welcome the fact that many of the provisions of the draft were modelled on existing provisions from other multilateral conventions that had been widely supported by States. We also appreciate that the articles are not overly prescriptive and enable States to implement them in accordance with their domestic legal system and practice. Such reliance on existing legal regimes and avoidance of undue complexity should encourage ratification and wide acceptance of the articles by States, when a convention is concluded on their basis. The Czech delegation believes that current discussions will facilitate negotiations and future adoption of the convention on the prevention and punishment of crimes against humanity.

As regards the **preamble**, in our opinion it properly encapsulates the basic principles on which the future convention should be based. These principles reflect the seriousness of crimes against humanity, which are of concern to the international community as a whole. We note with satisfaction that the preamble expressly characterizes the prohibition of crimes against humanity as a peremptory norm of general international law (*jus cogens*). This prohibition is clearly accepted and recognized as a peremptory norm of international law under customary international law and the preamble reflects this fact. Concerning the language inspired by the preamble of the Rome Statute of the ICC and direct references to Article 7 thereof, and having listened carefully to some of the previous speakers, we are very satisfied with these formulations and ready to engage in further discussions.

Lastly, concerning **article 1** of the draft, we note that this provision reiterates the scope of the draft articles indicated by their title. We are aware that similar provision was not included, for example, in the United Nations Convention against Torture or the United Nations Convention on Enforced Disappearances. On the other hand, article 1 rightly emphasizes the importance of the draft articles and its two primary purposes, the prevention and punishment of crimes against humanity. The article also provides general orientation to the whole set of articles draft. Similar provision is also included in article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide.

Mr. Chair, we are looking forward for a fruitful discussion on these draft articles and we are ready to engage in this discussion actively and constructively.

Thank you.