



**Statement on behalf of the European Union and its Member States  
by Ms. Simona Popan, Counsellor, Delegation of the European Union to the United  
Nations**

**at the Resumed Sixth Committee Session**

**"Crimes against humanity"**

**Agenda Item 78**

**Cluster I**

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**– CHECK AGAINST DELIVERY –**

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia\*, Albania\*, Ukraine, the Republic of Moldova and Bosnia and Herzegovina\*, the potential candidate country Georgia, and the EFTA country Liechtenstein, member of the European Economic Area, align themselves with this statement.

Mr./Madam Chair,

Let me start by thanking you, the other members of the Bureau, the Secretariat, and all delegates for agreeing to meet in this interactive format to exchange substantive views on the draft articles on crimes against humanity elaborated by the International Law Commission (ILC), and to consider further the recommendation of the ILC. We are pleased for this opportunity to discuss and are grateful to everyone for having made this possible.

Let us start with a few words on why a convention on crimes against humanity is needed, and on the ILC's work.

Crimes against humanity are one of the core international crimes. Unlike crime of genocide and war crimes, they are not covered by a dedicated international convention, although they are not a 'lesser evil', nor do they inflict less harm or

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\* North Macedonia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

pain on civilian populations. There is, therefore, an important normative gap in international treaty law that should be filled.

A convention will undoubtedly strengthen prevention and punishment at national level. It will also promote inter-state cooperation in the investigation and punishment of perpetrators of crimes against humanity.

We consider that the ILC draft articles are an important and solid basis for an international convention on this matter. The draft articles take inspiration from and replicate provisions on prevention, punishment and inter-State cooperation existing in other treaties, such as the 1948 Genocide Convention, the 1984 Convention against Torture, and the 2003 Convention against Corruption. Many of these conventions enjoy a high rate of ratification. While we welcome discussions, generally speaking, the draft articles do not raise entirely novel issues, as a large majority of States have already ratified treaties on similar crimes, which include similar provisions.

The draft articles are the result of five years of intense work by the ILC. They are the product of a respected body of legal experts created to implement the mandate of the General Assembly under Article 13(1) of the Charter.

#### [Preamble]

The preamble clarifies a number of important issues.

Crimes against humanity have affected millions of innocent civilians around the world. They have devastating consequences for civilian populations that deeply shock the conscience of humanity. Such unspeakable atrocities cannot go

unpunished. This is underscored by the fact that prohibition of crimes against humanity is a peremptory norm of international law, as clarified by the ILC in its work on *jus cogens*, and by the preamble.

It is the duty of every State to exercise its domestic criminal jurisdiction over those responsible for international crimes, including crimes against humanity. This is a reflection of the well-established principle that protection of population lies primarily with each individual State.

The definition contained in Article 7 of the Rome Statute served as a useful model for the definition retained in these draft articles. However, being a State Party to the Rome Statute is not a pre-condition for adhering to a convention on crimes against humanity.

#### [Article 1 Scope]

Draft Article 1 clarifies the material scope of the convention as applying to the prevention and punishment of crimes against humanity. We note that matters not regulated by a convention on crimes against humanity would continue to be governed by other rules of international law, including customary international law.

As clarified in the ILC commentaries, codification of existing law was not the objective of the draft articles. Rather, the objective was the drafting of articles that would be both effective and acceptable to States. We believe that the ILC has succeeded in that endeavor.

Mr./Madam Chair,

We would like to take this occasion to honor the legacy of Ben Ferencz, the last living Nuremberg prosecutor, who died last Friday. He was a tireless fighter against impunity for atrocity crimes and spent his life trying to get a more humane world.

Let us be inspired in our work this week by his 'plea of humanity to law' and his credo 'Never give up. Never give up. Never give up.'

I thank you.