



**Sixth Committee**

**“Resumed session on Crimes Against Humanity: Cluster I”**

**Statement by Wieteke Theeuwen**

**Legal adviser to the Permanent Mission the Kingdom of the Netherlands to the  
United Nations**

**NEW YORK, 10 April 2023**

Thank you for giving me the floor.

Reference to Ben Ferencz

Align with the statement of the EU.

On the outset, let me join others in thanking the chair, the other members of the Bureau, the Secretariat, and everyone here today for meeting us in this format to exchange views on the draft articles on crimes against humanity. We look forward to the discussion this week and the opportunity we will have to discuss this topic with all of you, including aspects where we may raise questions instead of giving comments.

In preparing for our commentary to the ILC draft articles, the Kingdom of the Netherlands always seeks advice from an independent advisory body, the Advisory Committee on Questions of International Law. You will notice that we will refer to this body in our interventions.

While we agree that the collective attempt of this session should be to find areas of convergence, my country, the Kingdom of the Netherlands, believes it is particularly important to agree on a Convention when we consider that the prohibition of crimes against humanity, like the prohibition of the crime of genocide, is a peremptory norm of international law, from which we believe no derogation is permitted and which is applicable to all States. The Netherlands therefore particularly welcomes the clauses on the jus cogens character of the prohibition of crimes against humanity in paragraph 4 of the preamble.

Another paragraph in the preamble we wish to highlight is paragraph 7. Drawing from existing legal instruments can provide us with a good model for the definition of CAH. We therefore support the approach by the ILC to retain largely the definition of crimes against humanity contained in the Rome Statute.

On article one, we would just reiterate that the draft articles and a possible future convention should apply to both the prevention and punishment of crimes against humanity.

This concludes our remarks for cluster 1. Thank you, Mr/Madam Chair.