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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
UNGA77, AGENDA ITEM 78

CRIMES AGAINST HUMANITY: CLUSTER 1

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Thank you Mr/Madam Chair.

1. As this is the first time the UK has taken the floor during this resumed session, first let me thank the Bureau and Secretariat for putting together the excellent programme and modalities. The UK is delighted that we have an opportunity to have a substantive discussion on this topic. We very much hope this week will demonstrate the benefits of more detailed legal discussion in this Committee.

Mr/Madam Chair

2. The UK remains strongly supportive of the ILC's work on crimes against humanity.
3. Crimes against humanity are among the worst crimes we face. Over the years since Nuremberg, we have seen such crimes recognised in almost all regions of the world. Indeed, they are, tragically, all too familiar in the contemporary world. When the relevant criteria are satisfied, they include the most inhumane acts known to humankind, including sexual violence, apartheid, enslavement and enforced disappearances.
4. And yet, there is no general multilateral convention establishing a framework for the national prosecution of crimes against humanity. This represents an indefensible lacuna given the existing frameworks for other serious crimes such as genocide, war crimes and torture. Not only does the absence of such a framework undermine the prevention and prosecution of crimes against humanity, it also fails to give victims and survivors of such crimes the recognition they deserve.
5. As such, the UK continues to see real benefits in developing an extradite-or-prosecute convention in respect of crimes against humanity and considers that a convention has the clear potential to strengthen international and domestic laws in relation to such crimes.

Mr/Madam Chair

6. Turning now to the preamble:

Preamble

7. The preamble rightly starts off by recognising the horror caused by crimes against humanity and the threat such crimes pose to us all. This is the critical context from which the convention arises. It then highlights some critical aspects of the draft Articles including tackling impunity, prevention of such crimes, the rights of victims and witnesses as well as offenders, and the need for effective prosecution.
8. The UK is cognisant of the significant impact that crimes against humanity have had on people across the world, regardless of their age or gender. Accordingly, we would support changing paragraph one of the preamble so that it refers to “people” as a whole rather than “children, women and men”.
9. The UK would be interested to hear the views of the other Committee members on including language in the preamble around the importance of a survivor-centred approach to punishing crimes against humanity and including a reference to reparation for material and moral damage, which is further elaborated in Article 12(3) .
10. We note that the seventh preambular paragraph refers to Article 7 of the Rome Statute, we think this could be expanded to refer to the fact that that provision was based on the work of the ILC and State practice at the time it was negotiated.
11. We also note that the eighth preambular paragraph recalls the duty of every State to exercise its criminal jurisdiction with respect to crimes against humanity. We note that the Commentary states that this provision “foreshadows” draft articles 8 to 10. Given that there are more precise formulations of the duties of States in draft articles 8 to 10, we would be inclined to think that this provision, given that this is part of the preamble, could be re-

formulated to recall “the primary importance” of States exercising their criminal jurisdiction with respect to crimes against humanity.

Draft Article 1 – Scope

12. Finally, turning to Article 1, the UK is content with this Article which simply highlights the two core aims of the Articles: prevention and punishment.

Thank you.