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STATEMENT BY
THE REPUBLIC OF POLAND

77TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

RESUMED SESSION OF THE SIXTH COMMITTEE
“CRIMES AGAINST HUMANITY”
CLUSTER 1

NEW YORK, 10TH APRIL 2023

Madam/Mr. Chair, Distinguished Delegates,

I would first like to thank the Bureau, the Secretariat and all delegations for facilitating further discussions on the Draft Articles on crimes against humanity adopted by the International Law Commission. I also wish to congratulate the co-facilitators on their appointment and assure you of our full support and cooperation.

Poland associates itself with the statement delivered by the European Union on behalf of its Member States. Let me highlight some issues in my national capacity.

Over the last years, our delegation reiterated that there is a deficiency in international criminal law consisting of the lack of a convention on crimes against humanity (as opposed to those on genocide or war crimes). As upholding international law is one of our priorities, we are of the view that supplementing the current international framework in the area of prevention and punishment of atrocity crimes is of a vital importance.

The Draft Articles prepared by the International Law Commission constitute a very good starting point in this respect. Stressing the peremptory nature of the prohibition of crimes against humanity, they address States' obligation under customary law to prevent, prosecute and punish such crimes. The Draft aims at filling the existing gap, also by regulating horizontal relations between States in the area of prevention and punishment of crimes against humanity.

Noting the pressing need to continue the work towards drafting a convention combating the most heinous crimes under international law, Poland has been actively engaged in the work on the Draft Articles, providing comments and drafting suggestions directly to the International Law Commission and in the Sixth Committee.

We advocated for a victim-oriented approach of the Draft and welcome the inclusion of Article 12 on victims and witnesses. At the same time, in our view the scope of this provision could be even more ambitious by adding a separate provision on the rights of a child, on which I will elaborate during our discussions on cluster 5.

Madam/Mr. Chair,

In the context of our discussions, it shall be noted that the Draft Articles are not in any way dependent or contingent on the Rome Statute. Thus, States' position towards the International Criminal Court, should not affect or influence the work on the Draft.

Moreover, the ongoing discussions on the Draft Articles on crimes against humanity under the United Nations framework should remain without prejudice to the multilateral instrument on legal cooperation in the prosecution of international crimes, so called MLA initiative. We see no contradiction in the parallel processing of both instruments, especially since their material scope overlaps only partially.

Madam/Mr. Chair,

I wish to end by stressing that the Draft Articles rely extensively on provisions that most States have already accepted in widely-adhered-to treaties, such as the 1984 Convention against Torture and the 2003 Convention against Corruption. Poland believes that States ready to accept the need for a treaty to combat torture and corruption will find all the more reason to support a convention on preventing and combating the widespread or systematic murder, extermination, rape or torture of civilian population.

We stand ready to work with everyone in an inclusive and transparent manner towards ensuring swift and meaningful progress on the Draft Articles.

I thank you.