



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 10/11 APRIL 2023

CHECK AGAINST DELIVERY

GENERAL ASSEMBLY

RESUMED 77TH SESSION OF THE SIXTH COMMITTEE

STATEMENT BY SINA ALAVI

LEGAL ADVISER

Chair,

Liechtenstein welcomes the opportunity to contribute to this robust discussion on the substance of the ILC's Draft Articles on Prevention and Punishment of Crimes Against Humanity. Liechtenstein supports the elaboration of a crimes against humanity convention as an important step to close a gap in the international criminal justice system and ensure appropriate action is taken to advance justice for the victims of all atrocity crimes. We believe that the draft articles produced by the ILC offers an excellent basis for this work.

We would like to briefly comment on the definition of "crimes against humanity" as reflected in Draft Article 2. As currently drafted, persecution may only constitute a crime against humanity if it is "in connection with" any of the other acts enumerated in Draft Article 2(1). This drafting limits when an act of persecution may constitute a crime against humanity as compared to the Rome Statute of the International Criminal Court. Under Article 7(1)(h) of the Rome Statute, persecution may constitute the foundational act of a crime against humanity where the persecution is connection with any of the other acts that may constitute a crime against humanity, as well as where the persecution is in connection with any crime within the jurisdiction of the ICC. The other core crimes within the jurisdiction of the Court include war crimes, the genocide, and the crime of aggression. Liechtenstein would propose amending

Draft Article 2(1)(h) to incorporate reference to all three of these crimes.

We note that the 2017 version of the Draft Articles referred to “persecution ... in connection with any act referred to in this paragraph or in connection with the crime of genocide or war crimes.” If this phrasing is reinstated, it is important that the crime of aggression be added to the listed crimes, consistent with the scope of persecution as a crime against humanity under the Rome Statute. The definitions of the core crimes in the Rome Statute, including on crimes against humanity, have been used both inside and outside of the Rome Statute context and have proven their worth and quality in practice

I thank you.