

Resumption of 77th Session of General Assembly, Sixth Committee (Agenda: Crimes against humanity) Cluster 2

Statement by CHANG, Wun-jeung, Director of Treaties Division,
Ministry of Foreign Affairs of the Republic of Korea.

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Mme/Mr. Chair

First of all, the Republic of Korea expresses its deepest appreciation to the ILC for its work on the draft articles on the prevention and punishment of crimes against humanity. We also appreciate the efforts of the co-facilitators for the resumption of this session to consider the draft articles. We sincerely hope that this session will give Member States the momentum to push forward the discussion on this agenda, which has been stalled for three years.

Mme/Mr. Chair

As many other colleagues mentioned earlier, a Convention to prevent and punish crimes against humanity is required to fill a major gap in international laws. The Republic of Korea, as a rule-of-law supporting government, underlines the necessity of a comprehensive international convention to outlaw crimes against humanity and to facilitate cooperation among States to prevent and suppress these crimes.

We believe that the draft articles provide a suitable legal basis for strengthening law enforcement cooperation among States, particularly where there are no bilateral treaties on mutual legal assistance or extradition.

In the Republic of Korea, the Rome Statute greatly contributed to introducing a domestic law on punishment of crimes under jurisdiction of the ICC,

including crimes against humanity, and also raised public awareness of these crimes. We believe that a Convention based upon these draft articles will contribute to promoting national legislation in other countries as evidenced by our example.

With regard to draft article 2 in general, although diverse opinions are being expressed here on the draft articles, most of their contents, including the definition of crimes against humanity in draft article 2, generally reflect customary international laws and existing treaties. We believe that a divergence of opinions will be overcome by constructive and positive dialogue among Member States and a proper working mechanism with a strong mandate.

In this regard, we would like to stress that making draft articles consistent with the provisions of the Rome Statute is very important to prevent any confusion, especially regarding the definition of crimes against humanity. Therefore, my delegation expresses its general support for the current draft articles, which reflect the definition set out in the Rome Statute.

However, in subparagraph (h) of paragraph 1 of the draft article 2 “persecution” is defined “in connection with any act referred to in this paragraph”. It could be misunderstood to mean that the persecution cannot be a crime against humanity as it is unless it is not directly connected with other acts in paragraph 1 of article 2. Therefore we propose deleting the phrase “in connection with any act referred to in this paragraph”.

Paragraph 3 of the draft article 2 provides flexibility to States in expanding their own definition of crimes against humanity. Some States may refine their domestic laws to further strengthen the investigation, prosecution and punishment of the crimes.

It is not possible to satisfy every Member State with a single Convention but

we believe that it is high time that Member States show their collective will to prevent egregious crimes against humanity and protect innocent victims by having a dedicated Convention on these crimes.

Finally, my delegation sincerely hopes that this session will serve as a platform to positively engage with as many States as possible on this agenda.

I thank you.