



REPÚBLICA DE MOÇAMBIQUE

---

**INTERVENTION BY THE DELEGATION OF MOZAMBIQUE**

**ON THE**

**AGENDA ITEM 78: CRIMES AGAINST HUMANITY  
DRAFT ARTICLES OF THE CONVENTION**

**DURING THE 77th SESSION OF THE GENERAL  
ASSEMBLY (RESUMED)**

**37 TH MEETING OF THE SIXTH COMMITTEE**

**NEW YORK, APRIL 2023**

## **CLUSTER 5 (ARTICLES 5, 11 AND 12)**

### **Mr. Chairman**

I would like to begin by commending the Bureau of the sixth Committee for organizing this session in an interactive format. This allows delegations a focused exchange of views on aspects of the draft articles on prevention and punishment of crimes against humanity, as well as the recommendation of the International Law Commission.

Crimes against humanity constitute a serious offence to human dignity and integrity. They are amongst the most causes of concern to the international community as a whole. As a consequence, they can also threaten the peace, security and well-being of the world.

It is therefore important to prevent and punish these types of crimes both at national and international level, with respect for the principles regarding the relationship between domestic and international law, in order to ensure the accountability of the perpetrators.

It is also important that we take into account the need to protect the victims of such heinous crimes.

In this context, our delegation supports the drafting of articles 11 and 12, and the consideration given to international law, including human rights law and international humanitarian law.

We consider that the United Nations mandate to maintain international peace and security also encompasses the need to protect human rights, which constitute one of the pillars of the organization, alongside development.

Regarding the victims, witnesses and others, Mozambique has enacted specific legislation that protects them, including when related with crimes against humanity. The country has also recently updated its Penal Code, containing provisions that prevent and punish crimes against humanity, as well as genocide, torture and war crimes in general.

### **Mr. Chairman**

With regards to article 5, which establishes the principle of *non-refoulement*, our delegation is of the view that the reference to “*consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law*” need to be further refined. As drafted, it might pose difficulties in interpretation, particularly with regards to the expression *consistent pattern*.

Therefore, we are of the view that adding the expression *according to international standards* at the end of the sentence or an alternative drafting could help clarify the concept of “*consistent pattern*”, considering the different specificities and contexts in which the Convention is to be applied.

I conclude my statement by emphasizing the importance of the future Convention on prevention and punishment of crimes against humanity. Its adoption could represent a

major contribution to the progressive development and codification of international law.

**I thank you very much.**