



PERMANENT MISSION OF HUNGARY  
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**National Statement of Hungary  
on  
Agenda item 80: ‘Crimes against humanity’**

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*Check against delivery!*

Thank you, Madam / Mr Chair.

Hungary aligns itself with the statement of the European Union. We join the countries intervened previously and welcome the continuation of this rich substantive exchange.

Our intervention addresses three key points.

Firstly, it is crucial to acknowledge, as emphasized by numerous delegations during the first resumed session, that the draft articles were not crafted in isolation but within an already existing legal framework. Nearly eight decades have elapsed since the concept of crimes against humanity was first codified in an international instrument, notably in the Nuremberg Charter. Subsequently, this concept has been enshrined in numerous agreements and instruments, including but not limited to the Tokyo Charter,<sup>1</sup> and the statutes of the ICTY<sup>2</sup> and ICTR,<sup>3</sup> respectively. In addition, the Rome Statute introduced a comprehensive definition while establishing individual criminal accountability for the commission of such crimes. In 2014, the International Law Commission commenced its endeavors against this background. As articulated in the first report by special rapporteur Sean Murphy: *‘Many of the acts that fall within the scope of crimes against humanity (when they are done as part of a widespread or systematic attack directed against a civilian population) are also acts addressed in existing treaty regimes, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A convention on crimes against humanity should build upon the text and techniques of relevant existing treaty regimes, but should also avoid any conflict with those regimes.’* Hungary, having signed and ratified all these major treaties, emphasizes the imperative of preventing fragmentation and conflicting legal obligations. Specifically, any new convention should align seamlessly with the Rome Statute, considering the significant number of states that are party to it. For the sake of clarity, we emphasize that we do not claim that the draft articles are, or should be, a sheer replication of existing treaty language. We are open to improve the current text, and we will elaborate on this further in our cluster 2 statement. Having

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<sup>1</sup> Article 5(c) of the Tokyo Charter.

<sup>2</sup> Article 5 of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

<sup>3</sup> Article 3 of the Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994.

said that, we commend the International Law Commission's commitment to averting collisions between existing treaty frameworks, for the sake of compatibility and coherence.

Second, we note that the unique history of the past eight decades left its mark on the way the preamble and article 1 is designed. The preamble enumerates the most relevant considerations and milestones on this field. Compared to other conventions, notably to the Genocide Convention, this preamble is rather lengthy, reflecting the developments of these eight decades. Among these developments, we highlight the importance of the reference to the Rome Statute and to the jus cogens character of the prohibition of crimes against humanity. Having said that, Hungary remains open to include additional language.

Finally, turning to Article 1, we commend the dual focus of the scope of the Draft Articles. The equal emphasis on both the punishment and the prevention components follows a similar pattern provided by the Genocide Convention and the Convention Against Torture. Focusing on the prevention component specifically, we note that the wording provides the necessary flexibility for states as to the character of the preventive measures to be taken, so long as they promote the basic objectives of the treaty. Therefore, we deem Article 1 as drafted a well-founded and appropriate wording.

I thank you.