



**PERMANENT MISSION OF ROMANIA  
TO THE UNITED NATIONS**

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**The 78<sup>th</sup> Session of the General Assembly**

**Resumed Session of the Sixth Committee**

**Agenda item 80 “Crimes against humanity”**

**Cluster I - Introductory provisions (Preamble and Article 1)**

**Statement delivered by Ms. Alis Lungu, Legal Adviser**

**Permanent Mission of Romania to the United Nations**

**New York, 5 April 2024**

Madam Chair,

*Romania fully aligns with the statement delivered on behalf of the European Union and its Member States and would like to add the following remarks in its national capacity.*

We welcome the opportunity to continue the exchange of substantive views that we started in the first resumed session of the Sixth Committee on all aspects of the Draft Articles on Prevention and Punishment of Crimes Against Humanity and on the recommendation of the International Law Commission (ILC).

This process has already proved its value and we continue to place our trust in it, as a constructive path to identify areas of convergence of views, to better understand substantive concerns or areas of divergence and to work towards ironing out the differences.

On a general note, we intend to contribute to this reflection by making brief comments on the substance of the draft articles, without entering into textual proposals which would be better suited for consideration in the negotiations phase.

We start our substantive reflections on the text by mentioning that in Romania's view, the International Law Commission, under the guidance of Special Rapporteur Mr. Sean D. Murphy, succeeded in proving the Sixth Committee with a balanced and well-drafted text that should be widely accepted by Governments after the lengthy exchanges with Commission in its deliberation process.

### **Preamble**

We support the retention of the draft text of the preamble in the current form. The preamble sets the basis and the conceptual framework for the provisions that follow. It is drafted as a progression and it foreshadows the object and principles of the draft articles.

We are particularly attached to the following elements in the preamble: the reference to the peremptory character of the prohibition of crimes against humanity, the duty of every State to exercise its domestic criminal jurisdiction with respect to crimes against humanity and the reference to the relevant article of the Rome Statute of the International Criminal Court, as we have consistently supported a coherent approach with regards to the definition of these crimes.

We do not see obvious gaps in the content of the preamble, nor a compelling need to add further details, enumerations or clarifications.

### **Draft Article 1**

The first draft article is straightforward. It outlines the scope of the draft articles by clarifying that they cover both the prevention and the punishment of crimes against humanity.

The formulation of this draft article, as well as the ILC commentaries further indicate the limited material scope of the draft articles, in the sense that they do not address other serious international crimes, such as genocide, war crimes or the crime of aggression.

We maintain our view that, although the scope of the draft articles can be deduced both from the title and the draft preamble, this provision is not superfluous. To the contrary, its clarity and brevity could potentially add to the overall acceptability of a future agreement.

We thank all the delegations for their insightful comments on the substance of this cluster of topics!

I thank you!