



Statement by the Republic of Cyprus

By Mr Theodoulos Pittakis, First Secretary,
Permanent Mission of the Republic of Cyprus to the UN

at the Resumed Sixth Committee Session

"Crimes against humanity"

Agenda Item 80

Cluster 1

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– CHECK AGAINST DELIVERY –

Thank you Mr. Chair.

At this is the first time that my delegation takes the floor, please allow me to express our appreciation to you Mr. Chair, the rest of the Bureau members, and the Secretariat for preparing both resumed sessions regarding the Draft Articles adopted by the ILC on Prevention and Punishment of Crimes Against Humanity. I, also, wish to thank the co-facilitators for their work and reassurance of my government's full support.

Cyprus fully aligns itself with the statement made on behalf of the EU and its members states and wishes to add the following points in its national capacity.

Cyprus supports the elaboration of an international Convention on the Prevention and Punishment of Crimes against Humanity, as recommended by the ILC. This is essential to address a major deficiency and legal gap in the international criminal justice system, as well as to ensure justice for the victims of these horrendous crimes. We believe that the draft articles prepared by the ILC provide a solid basis for this Convention. We, therefore, look forward to the continuation of the fruitful discussion we had during the previous resumed session.

We commend the work of the ILC in this area and underline, once more, its role as the primary international body for the progressive development and codification of international law.

Turning to the Preamble, Cyprus would like to make the following comments:

Cyprus welcomes the inclusion of a referral to the recognition of the prohibition of crimes against humanity as a peremptory norm of international law (*jus cogens*) at paragraph 4 of the Preamble. The status of certain acts, such as torture, as *jus cogens* has been accepted and recognized by the International Court of Justice and regional courts and tribunals. Therefore, no derogation is permitted from this norm.

Cyprus also, supports the wording of preambular paragraphs 5 and 6, as they refer to the obligation to prevent crimes against humanity and highlight the objectives of the draft articles which are the prevention and punishment.

Moreover, we take note of the concerns expressed by delegations regarding the inclusion of a reference to the definition contained in Article 7 of the Rome Statute, in preambular paragraph 7. Nonetheless, this paragraph reflects the general approach of the ILC that the Rome Statute provides the most recent, inclusive, widely shared codification of the most serious crimes. My delegation considers that this definition is a major step in the codification of the most serious crimes. As mentioned by some other delegations, it is clear that, being a State Party to the Rome Statute would not be a pre-condition for adhering to a Convention on crimes against humanity.

With reference to the Preambular paragraph 8, Cyprus takes note of the wording as proposed by the ILC. The primary responsibility to protect civilian population by preventing and punishing crimes against humanity lies with each State.

Further, Cyprus welcomes the reference in the 9th preambular paragraph to the rights of victims, witnesses, and others in relation to crimes against humanity, as well as the right of alleged offenders to fair treatment.

Finally, we fully support the inclusion of a reference (in paragraph 10) to the importance of both national measures and international cooperation. Punishment of crimes against humanity is a responsibility and obligation of both States and intergovernmental organizations.

Turning to Draft Article 1, Cyprus considers that this provision is necessary, as it brings legal clarity and certainty on the scope of the future Convention. As stressed by the EU in its written comments, the term “prohibition” should be included in the relevant provision of the draft articles, so as the Draft Articles apply to “*the prevention, punishment and prohibition of crimes against humanity*”, in line with the recognition of the prohibition of crimes against humanity as peremptory norm of international law (*jus cogens*).

Mr. Chair,

In concluding, my delegation considers that the draft preamble and article 1 constitute a good basis for future discussions.

Thank you.