



**Statement by H.E. Archbishop Gabriele Caccia
Apostolic Nuncio and Permanent Observer of the Holy See
Sixth Committee, Resumed Session
during the 78th Session of the United Nations General Assembly
Agenda item 80: Crimes against humanity
Cluster 1: Introductory provisions (preamble and Article 1)**

New York, 1 April 2024

Mr. Chair,

Customary international law has long recognized crimes against humanity as international crimes. The International Law Commission (ILC) has rightly said that the prohibition of these crimes is indeed a peremptory norm of international law. In this light, the conclusion of a universal, multilateral, legally binding instrument, codifying the existing customary law in this area, would certainly promote international cooperation in the prevention and punishment of these heinous acts.

In this way, the future convention would help the international community to better realize the common good, which “can never exist fully and completely unless the human person is taken into account at all times.”¹ As Pope Francis noted “the dignity of others is to be respected in all circumstances, not because that dignity is something we have invented or imagined, but because human beings possess an intrinsic worth superior to that of material objects and contingent situations.”²

Thus, when crimes against humanity are committed, human dignity is attacked, but not lost. Therefore, adding a reference to the concept of human dignity – the foundation of all human rights – in preambular paragraph nine would provide a more robust interpretative framework for the Draft Articles.

My Delegation also points out that, while the dual purpose of the new instrument is to prevent and punish crimes against humanity, the draft does

¹ Pope John XXIII, Encyclical letter *Pacem in Terris*, 11 April 1964, 55.

² Pope Francis, Encyclical letter *Fratelli Tutti*, 3 October 2020, 213.

not contain an explicit reference to the former aim. It would therefore be desirable to include in the preamble a reference to the imperative of prevention, thus recognizing the perspective of those at risk of becoming victims of crimes against humanity.

Mr. Chair,

The intertwined moral imperatives of respect for human dignity and the promotion of the common good lead to the conclusion that sovereign interests can never justify crimes against humanity. In this regard, the Holy See welcomes the reference to *ius cogens* in fourth preambular paragraph of the Draft Articles.

Since the prohibition of crimes against humanity is a peremptory norm, the definition of these acts must also be deeply rooted in customary international law. Therefore, in defining these crimes against humanity, the text should not depart from existing customary norms.

Thank you, Mr. Chair.