



PERMANENT MISSION
OF THE SLOVAK REPUBLIC
TO THE UNITED NATIONS

S T A T E M E N T

by

Mr. Matúš KOŠUTH

Legal Adviser

Permanent Mission of Slovakia to the United Nations
New York

78th Session of the General Assembly
Resumed Session of the Sixth Committee

“Crimes against humanity”
Cluster I

1 April 2024
New York

- *check against delivery* -

Mr. Chair,

At the outset, my delegation would like to thank the Secretariat, current and previous Bureaus, and co-facilitators for preparing and steering our deliberations for two years. We equally appreciate a vivid and constructive engagement of delegations. Together with the last year's session, we believe that this week will have provided for a robust exchange of substantive views on the draft articles. We hope that such exchange will further foster mutual understanding among States, and thus lay solid grounds for a decisive action of the Sixth Committee in the autumn to move ahead with negotiations of a convention.

Before diving into individual clusters, I would like to make a few general remarks. The set of draft articles is in our view a high-quality and well-balanced product of the Commission providing excellent basis for diplomatic conference. Due regard to existing jurisprudence and treaty law, precise drafting, not overly prescriptive yet clearly formulated obligations with sufficiently explanatory commentaries are just a few examples of what we mean by high-quality and well-balanced product. Despite being repetitive since 2019, it is worth not forgetting about looking at draft articles as a compact product, not only individually. We recall our appreciation of the work done by of the Commission and particularly by the Special Rapporteur, Professor Sean Murphy.

Moving on to the provisions under the Cluster I, my delegation aligns itself with the statement made earlier by the distinguished representative of the European Union. We fully refer also to our comments made last year, including on the legal gap in the treaty law addressing the prevention and punishment of crimes against humanity in a comprehensive way. To avoid repetition, I will only present our thoughts on a few additional points stemming from the last year's debate and the list of issues prepared by the co-facilitators:

- 1) We have heard a few doubts to what extent a separate treaty on crimes against humanity is truly necessary or would automatically stop these crimes from being committed. Meanwhile adoption of such treaty might not, indeed, *ipso facto* mean no more crimes against humanity, it does not deprive a convention of its utmost

importance towards eradication of these crimes. It seems hard for us to believe that situation would be same with a dedicated treaty, rather than with current *acquis*. Besides imposing clear obligations on States, such convention would be a recognition of suffering of victims of these crimes and a clear signal that international community does not stand indifferent to their fate.

- 2) The preamble of a treaty should not, in our perspective, be a detailed index of its provisions or a textbook of International Law. It is with these lenses that we do not see compelling reasons for the draft preamble to include provisions on relationship between fields of international law, to duplicate or emphasize content of some draft articles, to elaborate on applicable rules of treaty law, nor to exchange general but clear references with lengthy enumerations. We believe that the current wording of the draft preamble and draft article 1 carefully capture the overall context of draft articles and their main object and purpose, while eloquently intertwining with their key elements. Nevertheless, Slovakia remains open to consider proposals, which would not dilute the main object and purpose - the prevention and punishment of crimes against humanity. It is also our understanding that the prevention and punishment of crimes against humanity inherently entails their prohibition.
- 3) We have noted some hesitation about the paragraph 7 of the draft preamble explicitly mentioning the Rome Statute. Rather than the reference to the Rome Statute itself, we would argue that the paragraph refers to the definition of crimes against humanity. The definition that has been subject to extensive negotiations in the International Law Commission and among States, which only culminated in what ended up in the Rome Statute and has since enjoyed vast acceptance. Moreover, such reference can in no way impair legal status of Non-State Parties.

Mr. Chair, overall, my delegation is pleased with the draft preamble and draft article 1. We are looking forward to hearing views of other States and having a productive discussion during the upcoming days. Count on our active and constructive approach. I thank you.