



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

**Sixth Committee**

**Item 80: Crimes against humanity**

**Thematic Cluster 03 – National Measures**

**Draft Articles 06 (Criminalization under national law), 07 (Establishment of national jurisdiction), 08 (Investigation), 09 (Preliminary measures when an alleged offender is present) and 10 (Aut dedere aut judicare)**

**Statement by the Permanent Representative of Sri Lanka, H.E. Ambassador Mohan Pieris**

**03<sup>rd</sup> April 2024**

One of the great legal innovations of the post-war world is the concept of crimes against humanity. Aimed at the protection of civilian populations during both peacetime and wartime, even from civilian populations 'own governments, it remains a major pillar of international law to this day. We are today, dealing with the criminalization of crimes against humanity in our national laws.

Mr. Chairman,

My delegation has given careful consideration to draft article six, seven, eight, nine and ten, and wish to state that the criminal law system in Sri Lanka is sufficiently poised to take cognizance of the unlawful activity inclusive of crimes against humanity that is described in these articles and recommendations are presently in place and in the process of consideration, considering the widening in fuller amplitude, the jurisdiction of our courts to deal with these crimes in a befitting manner as best suited to our national requirements.

Mr. Chairman,

There's already national legislation, such as the Geneva Conventions Act, the laws against torture, torture been punishable and offense, and mandates a sentence of not less than seven years, and more not more than ten. The government maintained a committee on the prevention of torture to visit sites of allegations, examine evidence and take preventive measures on allegations of torture. I must also mention the constitutional guarantees against torture, to cruel, inhuman, or degrading treatment.

We also take cognizance of the ICCPR that specifically makes torture illegal. It is my delegations considered view that the victims of crime who have individually or collectively suffered harm, inclusive of physical or mental injury, suffering economic loss, or substantial impairment to their fundamental rights, as the result of crimes against humanity must be compensated by easy access to justice and fair treatment, restitution, compensation, reparations and assistance to regain their humanity and ensure that they live in dignity as members of the human family.

I might mention in passing Mr. Chairman, that Sri Lanka in its post conflict reconciliation process has adopted many measures amongst which it addresses matters of missing persons, reparations, and many other restorative justice mechanisms. Let me say a word about the Latin Maxim, "*aut dedere aut judicare*"; Sri Lanka does not give refuge to fugitives from justice. That is for sure. Justice in accordance, I mean justice in accordance with rule of law.

We have a robust established extradition jurisdiction exclusively granted to the High Court, which is been invoked frequently. We, however, ensure that any extradition proceedings are consonant with the rule of law. There is a constitutional guarantee to a fair trial to equality before the law, the presumption of innocence, the right to representation and the equal protection of the law. We are proud of a legal system that is over 150 years old, which we inherited from the British, where we ensure that all

respondents have the opportunity to be heard and the decisions are based on thorough and unbiased assessment of facts. The rules of natural justice are interwoven into our law in its full measure, the code of criminal procedure and amendments have recognized and established a clear, easily understandable and a predictable procedure for investigations of criminal offences, thereby laying the solid groundwork for a comprehensive investigation and fair trials as mandated by the rule of law.

Mr. Chairman,

The principle of the responsibility to protect reaffirms the primary responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. That responsibility is grounded on well-established legal obligations that entail an obligation not only to punish atrocity crimes, but also to prevent them. Such legal obligations can be found in the convention on the prevention and punishment of the crime of genocide in international human rights and humanitarian law, and in customary international law. International courts and tribunals have also cited these obligations and clarified their specific content.

Mr. Chairman,

Finally, we take cognizance of the obligation that member states are under a legal obligation to develop strategies and take measures to protect their populations from atrocity crimes. They can do this individually or through networks, where they support each other in this endeavor.

Individually, we take cognizance of the requirement that states should mainstream an atrocity prevention, lens in their national policies, programs and planning that will contribute to mitigate the risk of atrocity crimes. Sri Lanka as I said, before, is in the process of giving this aspect of the law appropriate consideration. We are sensitive to the need to conduct a regular assessment of atrocity risks at national and local level

and improve their understanding and monitoring of risk factors as well as the process that can lead to atrocities and measures to contravene it.

It is in this regard. We consider it important that states partner with other actors, such as international and regional organizations, as well as civil society actors to receive support and amplify their efforts in this regard.

I thank you, Mr. Chairman.