



**New Zealand Permanent Mission to the United Nations
Te Aka Aorere**

**United Nations General Assembly: Sixth Committee
Resumed seventy-eighth session (Cluster Five)**

**New Zealand Statement delivered by
Legal Adviser, Naushyn Janah**

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CHECK AGAINST DELIVERY



Thank you Chair.

With regard to draft article 11, New Zealand welcomes the inclusion of the safeguards set out therein, which reference rights and guarantees under international law regarding the fair treatment of persons against whom measures are being taken in accordance with the Draft Articles. We emphasise the importance of due process considerations, for safeguarding the rule of law and for ensuring the credibility and legitimacy of steps that are taken towards accountability.

Turning to draft article 12, New Zealand welcomes the inclusion of this draft article addressing the rights of victims, witnesses and other persons affected by the commission of a crime against humanity. We recall the first preambular paragraph of the Draft Articles, which underscores the victims of crimes that deeply shock the conscience of humanity throughout history remain at the core of the compelling need for a future convention.

New Zealand remains open to further language in the Draft Articles directed towards enhancing the protection of the rights and role of victims, witnesses and persons affected by crimes against humanity.

New Zealand supports the flexibility integrated into draft article 12(3), which preserves the discretion of States over the determination of the appropriate form of reparation. This approach recognises that in the aftermath of the commission of crimes against humanity, various scenarios may arise which require reparations to be tailored to specific circumstances.

Thank you Chair.