

*Permanent Observer Mission  
of the State of Palestine  
to the United Nations*



البعثة المراقبة الدائمة  
لدولة فلسطين  
لدى الأمم المتحدة

04 April 2024

**Statement by Loureen Sayej, Third Secretary, before 77<sup>th</sup> General Assembly Meeting of the Sixth Committee on Agenda Item 80: Crime Against Humanity (Cluster V):**

Madam Chair,

The State of Palestine is a strong supporter of a victim-oriented approach. The role of the victims and witnesses is indispensable and their right to reparations is intrinsic to any efforts to prevent and punish crimes against humanity.

The Draft Articles as a whole should reflect applicable standards and best practice concerning victims' rights.

The rights to victims to reparations must be consistent with international law and the numerous normative standards ensuring accessibility for all victims, with respect to both procedural and substantive aspects of complaints or reparations, and should be considered here.

We support the inclusion of "any person" in Draft Article 12(a) and the ILC affirmation that "any person" is any person who alleges that acts constituting crimes against humanity have been or are being committed have right to complain.

The protection to afforded in Draft Article 12(1)(b) makes clear that complainants, witnesses, relatives, representatives, and other participants shall be protected against ill-treatment and intimidation. We look forward to further discussing this subparagraph with other States to ensure a wider protection for victims and those cooperating with them.

As for draft Article 12(3), "Each State shall take the necessary measures to ensure in its legal system that the victims of a crime against humanity, committed through acts attributable to the State under international law or committed in any territory under its jurisdiction" we would like to add "and its control."

We note that the Commentaries express clear goal to have a more comprehensive concept of reparation, including for material and moral damages. We welcome the inclusion of collective basis, as entire peoples can be victims to crimes against humanity and their collective right to reparations and redress must be enshrined. We are also encouraged by the Commentaries acknowledgment that the illustrative list of reparations is not limited to "restitution; compensation; satisfaction; rehabilitation; cessation and guarantees of non-repetition" and that it is Paragraph 3 is without prejudice to other obligations of States that exist under international law.

As we said in Cluster I statement, “the right of victims to reparation”, is one of the purposes of criminal justice the responsibility of the State to make reparations is inherent in the concept reality of an internationally wrongful act; it is not a by-product of the wrongful act but a purpose of international justice, the right is the right to reparations not to “obtain reparations” as stated in article 12(3), we look forward to further discuss this point with colleagues.