



PERMANENT MISSION OF ROMANIA  
TO THE UNITED NATIONS

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

**Resumed Session of the Sixth Committee**

**Agenda item 80 “Crimes against humanity”**

**Cluster V - Safeguards (Articles 5, 11 and 12)**

**Statement delivered by Ms. Alis Lungu, Legal Adviser**

**Permanent Mission of Romania to the United Nations**

**New York, 4 April 2024**

Madam Chair,

*Romania fully aligns with the statement delivered on behalf of the European Union and its Member States and would like to add the following brief remarks in its national capacity on Cluster V.*

### **Draft Article 5**

Romania supports the inclusion of a *non-refoulement* provision. We deem it important to establish a general prohibition to return, surrender or extradite a person to a State where it might be at risk of being subjected to a crime against humanity.

We note that this principle is incorporated in a number of human rights and humanitarian treaties.

### **Draft Article 11**

We would also like to express our support for draft Article 11, which underlines the necessity of providing the alleged offender with the necessary protection during the proceedings.

Ensuring a fair trial, fair treatment and due process rights is important for establishing the legitimacy of efforts taken in national courts to end impunity.

### **Draft Article 12**

Romania strongly supports an extensive provision which addresses the rights of victims, witnesses or other persons affected by the commission of crimes against humanity.

The rights to be heard during the criminal proceedings, as well as the right to obtain reparation for material and moral damages, in the forms indicated in paragraph 3, are crucial.

I thank you!