

Statement on behalf of the European Union and its Member States

By

Ms. Simona Popan, Counsellor, Delegation of the European Union to the United Nations

at the Sixth Committee

on the Agenda item 83
" Crimes against humanity"

United Nations

New York

October 2021

±CHECK AGAINST DELIVERY ±

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

punishments. At the same time, such a Convention will offer a new legal basis for inter-state cooperation.

We also recall the MLA initiative, supported by all EU Member States, aiming at enhancing inter-state cooperation in the prosecution of perpetrators of international crimes. We see both processes as complementing each other. Adoption of these new instruments would substantially contribute to the fight against impunity at international level.

Mr./Madam Chair,

The EU and its Member States commend the work of the International Law Commission (ILC), which at its 71st Session (2019) adopted the Draft Articles on Prevention and Punishment of Crimes Against Humanity. We recall that in the fall of 2019, many delegations supported the ILC's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries based on the Draft Articles. While some delegations now consider that a number of the draft articles require further clarification, we trust that there is consensus around the core aspects of the Draft Articles, namely the prevention and punishment of the crimes against humanity, so as to enable the negotiation of a Convention on this matter. It is particularly important to agree a Convention when we consider that the prohibition of crimes against humanity, like the prohibition of the crime of genocide, is a peremptory norm of international law, from which no derogation is permitted and which is applicable to all States.

We understand that some delegations are hesitant to convene a diplomatic conference at this stage. There are, however, suitable institutional frameworks that would allow us to address those concerns in an effective and inclusive manner and where an open and frank preparatory debate can take place among delegations. An Ad Hoc Committee could offer an ideal framework to that effect, where the more ambitious and the more cautious approaches could be discussed in a balanced, constructive and efficient expert setting.

An Ad Hoc Committee would not, and should not be, an end in itself. It would rather serve the purpose of ensuring progress on this subject. Therefore, we believe that it is essential for such an Ad Hoc Committee to have a clear mandate and a clear timeline for the completion of its work.

In closing, I would reiterate our support for the elaboration of a Convention on the basis of the