



PERMANENT MISSION
OF THE SLOVAK REPUBLIC
TO THE UNITED NATIONS

STATEMENT

by

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Mr. Chair,

At the outset, my delegation would like to express its appreciation for the work of the co-facilitators of the resolution, which enabled us to discuss the set of draft articles on crimes against humanity and the recommendation of the International Law Commission. We would also like to thank the Bureau and the Secretariat for their apt leadership in preparing this session. It is the result of a constructive spirit and engagement of the entire UN membership, and we look forward to seeing the same approach this week and next year. For our part, allow me to assure you of Slovakia's full cooperation and constructive work. Memories of recent accomplishments on the international law front are still fresh. We sincerely hope that we will build on this momentum.

Slovakia fully aligns itself with the statement made earlier on behalf of the European Union and its Member States and I will provide further remarks in my national capacity. Slovakia has considered the ILC's work and the Special Rapporteur's approach to be correct and sensible from the very beginning. In 2019, after approving the draft articles with commentaries on second reading, we expressed the view that the final product fully meets our expectations and that it is carefully drafted and suitable for codification. Now, more than three years later, nothing has changed in our perception. We believe the ILC has produced a high-quality and well-balanced outcome, especially in terms of drafting technique, which could serve as a solid basis for diplomatic/States negotiations.

I cannot continue further without expressing again our sincere appreciation to the Special Rapporteur Professor Murphy for his extraordinary work and commitment over the years, consistently and patiently listening and giving due regard to comments made by Member States.

Mr. Chair,

Slovakia concurs with the Commission's finding about the stark contrast between the international regulation of crimes against humanity and other crimes under international law, specifically genocide and war crimes. It is even more striking as crimes against humanity are not a novelty in international law. They were incorporated already in the Charter of the Nuremberg Tribunal and can be traced as far back as the 1899 and 1907 Hague Conventions through the laws of humanity invoked in their preambles. We believe that the lack of a dedicated treaty instrument regulating the prevention and punishment of crimes against humanity is not simply a theoretical problem or exercise, but it has serious repercussions for the practice of international law and, more importantly, for the lives of millions of victims. As reflected in the introductory paragraph of the draft articles, millions of children, women, and men have been and sadly continue to be victims of crimes against humanity, in many cases unpunished. Along with criminalisation, that is essential for ensuring accountability, the draft articles put prevention, international cooperation among States and the interests of victims at the forefront. In addition, the draft articles, if adopted as a treaty instrument, would foster the primary responsibility of States to prosecute crimes against humanity. While fully respecting the scope and nature of our discussion today, we cannot pass with silence that such a convention would not only fill the gap in international legal framework, but will also send a strong message to victims, their families and relatives that these atrocities must not and will not be ignored by international community.

Mr. Chair,

Turning now to the preamble, we consider the introductory paragraphs fully consistent with standard treaty language similar to other ILC products. These provisions are important in setting an overall context of the draft articles. We consider equally important their connection with the remaining part, in the sense that both prevention and punishment of crimes against humanity must be undertaken in conformity with international law and the principles of the Charter of the United Nations. The remaining

preambular provisions not only provide a good balance in capturing the object and purpose of the draft articles, but eloquently intertwine them with other key elements such as international cooperation or rights of victims, witnesses, and other individuals.

With regard to the draft article 1, in general, we consider the scope of the draft articles consistent with other similar treaty instruments such as the Genocide Convention or the Convention against Torture. More specifically, we cannot emphasise enough the importance of the preventive dimension of the draft articles. If the obligation to prevent was effectively implemented, the obligation to punish would certainly become less urgent; what should be our primary goal – to avoid people’s suffering from atrocities *ab initio*

Mr. Chair, my delegation looks forward to a productive discussion during the upcoming days. In conclusion, joining previous speakers I would like to use this opportunity to pay tribute on behalf of my delegation to Ben Ferencz for his admirable work, long-life commitment and distinctive legacy in the field of international criminal law and justice so relevant to our discussion this week.

I thank you.