

**Statement by the Republic of Türkiye
at the Resumed Sixth Committee Session
"Crimes against humanity"
United Nations, New York
11 April 2023**

CLUSTER 2

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Thank you Madam Chair,

Regarding the second cluster, we would like to make the following observations and comments:

As we have highlighted in our previous statement, the definition and components of crimes against humanity are complex in many dimensions. Moreover, its key requirements, such as “widespread attack”, “systematic attack”, “attack directed against any civilian population” and “organizational policy to commit such an attack”, that are dealt with in draft Article 2, are ambiguous.

As Türkiye stated during the preparatory work of the Rome Statute earlier, we support upholding “conjunction” between the terms “widespread attack” and “systematic attack”. This is because of our concern about over-inclusiveness. We believe that, in order to avoid ambiguity, it may be preferable that the requirements of “widespread” and “systematic” are accepted as two distinct elements, both of which must be met, rather than alternative to one another.

It is argued that a major deviation from the definition in the Rome Statute may cause a dilemma for the state parties to the Statute. However, one should also bear in mind that, disregarding non-state parties’ concerns may also lead to that, only states parties to the Rome Statute embrace those rules, but others opt out of it.

Madam Chair,

As was suggested by other delegations as well, The Rome Statute stipulates that “persons” are responsible for the crime of genocide. Similarly, in article 4 of the Convention on the Prevention and Punishment of the Crimes of Genocide, it is mentioned explicitly that the persons committing genocide or any of the other acts enumerated in article 3 shall be punished.

On the other hand, according to the first paragraph of the current draft article 3, “States” have the obligation not to engage in acts that constitute crimes against humanity.

As states cannot be the perpetrators of the crime of genocide, they cannot be perpetrators of the crimes against humanity either. With this understanding, we believe that commentaries to article 3 are not sufficient and convincing. Türkiye is therefore of the opinion that, deleting the first paragraph of article 3 will be adequate.

We also believe that further clarification is required on obligation to prevention referred to in Article 4. Türkiye shares concerns of other states that, the current approach creates a broad and potentially ever expanding set of obligations for States, in relation to crimes against humanity.

Thank you.