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Crimes against Humanity

Statement by

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Mr. Chair,

On the issues pertaining to cluster 5 of our debate (safeguards), I wish to make the following remarks on behalf of the Czech Republic.

Our delegation appreciates the inclusion of **draft article 5** concerning the application of the principle of *non-refoulement*. Apart from refugee law, this principle is already incorporated in Geneva Conventions, it is part of the interpretation of human rights treaties and is included in extradition and other criminal law treaties. Nevertheless, with respect to crimes against humanity, it is important to reiterate and emphasize the prohibition of sending persons to a country where they might be at risk. The draft article serves this purpose well.

Similarly, we consider important that the **draft article 11** expressly provides for basic principles of fair treatment of the alleged offenders. The text of the draft article reflects and refers to relevant rights and guarantees in universal and regional human rights instruments and, in principle, aptly summarizes the norms protecting the alleged offender for purposes of prosecuting crimes against humanity.

The inclusion of **draft article 12** in the text appropriately reflects the increasing attention for victims in international criminal justice, including their participation in criminal procedure and the reparation of their suffering. We support its inclusion in the future convention. In our opinion, one article devoted both to the issue of participation and the issue of reparations seems to be *prima facie* sufficient, since its purpose is to state basic principles in this area. At the same time, we will listen with interest to possible concerns of other delegations. Further, in our opinion, certain questions might arise concerning the differentiation between the duty of a State to provide reparation and the offender's duty to do so, as well as questions concerning the scope of such obligation in case of a State exercising its jurisdiction on the basis of passive personal or universal jurisdiction.

Thank you, Mr. Chair.