



**PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS**

STATEMENT

by

H.E. DR. MICHAEL IMRAN KANU
Ambassador and Deputy Permanent Representative

**To the Sixth Committee of the
United Nations General Assembly**

“Crimes Against Humanity”

Agenda Item 81

Seventy-Fifth Session

14 October 2020

New York

[Please Check Against Delivery]

336 East 45th Street, New York NY 10017
Tel: (212) 688 1656 - FAX (212) 688 4924 email: info@un.slembassy.gov.sl

**Mr. Chair,
Excellencies,
Distinguished Delegates,**

The delegation of Sierra Leone aligns this statement with the statement delivered by the distinguished representatives of South Africa on behalf of the African Group.

My delegation is pleased to take the floor on this important item, appreciative of the significance of the Sixth Committee to continue its consideration of the agenda item ‘Crimes against humanity’ and the recommendation of the International Law Commission (ILC) contained in paragraph 42 of its report on the work of its seventy-first session – to in particular, elaborate “a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the Draft Articles”. The recommendation to elaborate a convention, on the one hand, is clearly a good path towards elevating crimes against humanity to the level of genocide, and war crimes with their conventions. It will be a gap-filling treaty with the added element of the obligation to prevent such crimes, rather than just punish perpetrators. In this prevention and punishment drive, States will be in a position to develop their national laws and judicial systems and cooperate with other States in the prevention, investigation and prosecution for such crimes. However, on the other hand, Sierra Leone is deeply concerned that our debate is being blighted and our consciences scarred by the continuing perpetration of crimes against humanity with impunity. The onus is therefore on the Sixth Committee to take action.

Owing to the working methods of the ILC and the symbiosis that exist with the Sixth Committee, Sierra Leone offered comprehensive substantive comments on the topic when invited to do so by the Commission on the adoption of the Draft Articles on first reading. In underscoring the independence of the ILC, we note the deference to the views of States by the Commission, and in particular the incorporation of some of our views in the Draft Articles on prevention and punishment of crimes against humanity and commentaries (contained in chapter IV of the report of the Commission A/74/10) on second reading. We further used the opportunity in the fall debate in the 74th session on the agenda item - the “Report of the International Law Commission on the work of its seventy-first session” to reflect

on areas where our views were not incorporated in the Draft Articles. Appreciating the Commission's method of work, my delegation takes this opportunity to pay tribute to the Special Rapporteur, Mr. Sean D. Murphy, and the Commission for the high-quality and timely work, which embodied the 'all embracing' inclusive approach mandated by the ILC Statute.

Mr. Chair,

In the international law-making process within our multilateral setting that requires cooperation and commitment to the mandate of the United Nations Charter, in particular article 13 paragraph 1 on progressive development of international law and its codification, Sierra Leone has taken due note of the cornucopia of views expressed by Member States, and we wholeheartedly look forward to considering the substantive views in an intergovernmental negotiations in the appropriate forum and at the appropriate time. In acknowledging the richness of the debate last fall, it is much apparent that the Sixth Committee is faced with two fundamental streams of thought. The first is understandably a follow through on the substantive comments and reflections by Member States on the Draft Articles. In our view, the debate on substantive matters can appropriately take place in intergovernmental negotiations, without prejudice to our Committee compiling the comments for future use in such negotiations.

The second viewpoint critically spotlights the process question and the best possible path to give effect to the recommendation of the ILC. Sierra Leone believes the best use of our time, in the Sixth Committee, based on our working method, recent practice and time limitations, is to resume the suspended last session's negotiations on the modalities for the way forward. Given the broad support for the ILC's recommendation expressed by Member States, our Committee is now left with the important task to move forward and to define the timelines. We have tools in the Sixth Committee's toolbox, including establishing a subsidiary body (for example, a preparatory committee, an *ad hoc* working group of the whole, to state a few) to discuss modalities of the negotiations, such as the definition of the zero draft, adoption of the rules of procedure for an intergovernmental conference; and future proofing this with clear timeframe for the entire process. This is the structured approach which Sierra Leone will call upon the Sixth Committee to give serious consideration.

In closing, Chair, Sierra Leone is mindful of the legal and moral obligations on States to strengthen the fight against impunity over crimes against humanity that

continues to horrify us today. We strongly urge the Sixth Committee to do for 'Crimes against humanity', what it did for genocide over 80 years ago. It is in this way States can better achieve the goal of enhancing the fights against impunity for the worst crimes condemned by international law.

I thank you.