



**THE PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN
TO THE UNITED NATION**

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**Statement by Mr. Tofiq F. Musayev
Deputy Permanent Representative of the Republic of Azerbaijan**

**at the Sixth Committee of the seventy-sixth session of the United Nations
General Assembly under agenda item 83:**

"Crimes against humanity"

15 October 2021

Madam Chair,

Defined in Article 6(c) of the Nuremberg Charter of the International Military Tribunal and developed in subsequent instruments, crimes against humanity are particularly odious offences amounting, along with war crimes and the crimes of genocide and aggression, to the most serious crimes of concern to the international community.

As is known, many of the same acts may constitute both war crimes and crimes against humanity, but what is distinctive about the latter is that they do not need to take place during an armed conflict. However, to constitute crimes against humanity the acts in question have to be committed as part of a widespread or systematic activity, and to be committed against any civilian population.

Governments bear the primary responsibility for the protection of their populations and ensuring accountability for serious offenses. Under international law, States are required to investigate, without undue delay, reports of such offences and to prosecute and punish the perpetrators. This obligation is explicitly set out in the relevant international legal instruments and has also been repeatedly reaffirmed by the General Assembly and the Security Council.

At the same time, when national authorities fail to take action, the international community should play a more proactive role, in accordance with applicable international law.

Over the years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of wrongs. International norms and standards, along with institutional activities, have significantly developed.

However, efforts towards translating these norms and standards into practical action have not always been consistent or successful and free of selectivity and politically motivated objectives.

Furthermore, attempts to promote political agenda and historical narratives under the cover of legal concepts continue.

No doubt, more should be done at the national and international levels to ensure justice and redress. Azerbaijan has seriously suffered from multiple atrocity crimes committed against its people and attaches paramount importance to the fight against impunity.

We note the work of the International Law Commission (ILC) on the elaboration of the Draft Articles on Prevention and Punishment of Crimes Against Humanity. A number of Member States supported the recommendation of the ILC to develop a convention on the basis of the Draft Articles, considering that a new instrument would fill a gap in the existing international legal framework on core crimes, while other Member States upheld the view that the Draft Articles do not reflect the established State practice and that further clarifications are needed on some key elements.

Needless to say, the primary objective of the development of normative standards in the field of criminal justice must be the strengthening of international criminal law to ensure effective accountability, inter-State cooperation and legal assistance. We are of the opinion that this objective could be achieved through overcoming or, at the very least, lessening divergent views through an inclusive and transparent deliberations and the broadest possible consensus.

Thank you.