



1 November 2022

Statement by Loureen Sayej, Third Secretary, before the 77th Session of the General Assembly Meeting of the Sixth Committee on the Report of the International Law Commission Cluster II:

Mr. Chair,

The State of Palestine has been consistent and clear in its firm position that accountability for the most serious crimes of concern for the international community is essential for the integrity and sustainability of our international law-based order.

Impunity for crimes has long haunted both our peoples and the development of international law and putting an end to it is a collective obligation.

This is why international criminal law, from early stages in Nuremberg to the International Criminal Court, outlawed international crimes, especially those of *jus cogens* nature, and provided exception to immunity for perpetrators of official position.

The State of Palestine affirms that accountability is the indispensable corollary to criminalization and deterrence of international crimes. We cannot outlaw the crimes while continue to provide immunity for perpetrators.

In this regards, the State of Palestine attaches importance for the ILC's work on immunity of State officials from foreign criminal jurisdiction and their commentaries as they help further the rule of international law. We appreciate the Special Rapporteurs on their work on this topic with determination and vision.

The State of Palestine continues to study the draft articles and will provide additional written comments on this matter. However, few initial reactions:

1. The State of Palestine supports Draft Article 7, which clearly states that immunity from the exercise of foreign criminal jurisdiction shall not apply in respect of: crimes of genocide, crimes against humanity, war crimes, crime of apartheid, torture, an enforced disappearance;
2. Because of the lessons of the past, the State of Palestine is of the view that the crime of aggression is the supreme international crime, the most unlawful form of the use of force and is accompanied by the commission of other crimes, and encourages its inclusion under Draft Article 7;

3. The State of Palestine recognizes that the draft articles fall at the intersection of different legal regimes and notes with the appreciation the ILC's work on striking a balance, addressing concerns, and adding procedural safeguards to Draft Article 7;
4. The State of Palestine appreciates the affirmation of the principle of peaceful settlement of disputes and the ancillary significant role of the ICJ in the Draft Articles.

On sea-level rise in relation to international law, the State of Palestine welcomes the list of topics identified by the Study Group on the protection of displaced persons and the preservation of legal right of States affected by sea level rise.

The State of Palestine also recognizes that the ILC is responding to unprecedented challenges and filling gaps that will determine the very source of life in an inclusive and shared framework. In this regards, the State of Palestine is of the view that relevant principles and rules, including international human rights law, are applicable, including the right to a clean, healthy and sustainable environment.

We also reiterate that the right to self-determination of peoples affected is unassailable. Indeed, sovereignty lies with the people.

The State of Palestine is committed to sea governance and to the resilience of millions of the communities whose livelihoods and viability depend on them. Our commitment to the sea and comradery solidarity with the affected communities stems from the universality and the unified character of UNCLOS as the main legal framework for all sea-related activities. We emphasize here the central role of UNCLOS in the ongoing deliberations and response from the ILC.

The work by the ILC on sea-level rise embody our historical responsibilities, obligations towards humanity, future generations, and the earth we inhabit. It is about justice underpinned by the principle of common heritage of humankind and we look forward to their development.