



PERMANENT MISSION
OF THE SLOVAK REPUBLIC
TO THE UNITED NATIONS

STATEMENT

by

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"Crimes against humanity"
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Mr. Chair,

Slovakia fully aligns itself with the statement made on behalf of the European Union and its Member States. We refer entirely to our comments on the three draft articles within the second cluster made last year, and I will only present a few additional reflections.

We are pleased with the definition put forward by the Commission in draft article 2. Not necessarily because it largely reflects Article 7 of the Rome Statute. Mostly, this definition has enjoyed the broadest acceptance among the States so far and is an outcome of robust and lengthy deliberations, first in the International Law Commission, then broadly among States, including with over 160 States in Rome in 1998. Looking back at the meeting records from the Rome conference, our understanding is that it was not the definition of crimes against humanity that triggered a vote in 1998. We find support for such assessment also when listening to the statements these two years, even of some delegations that voted against or abstained in Rome.

In relation to the *chapeau* of the definition, we find particularly useful ample examples of jurisprudence explaining and supporting the conditions of attack as contained in paragraph 1 of draft article 2. Speaking from the perspective of a civil-law country, we do not necessarily share concerns about the traction of sub-paragraph k) with the *nullum crimen* principles. It rather seems to us as a matter of appropriate implementation in the domestic legislation. While fully supporting the current wording of draft article 2, we also note with interest some proposals for additional elements or adjustments. Current format of our discussions offered adequate platform for raising these proposals. As a next logical step, we are convinced that they would be best addressed within formal negotiations of a convention.

Moving on to draft article 3, we would like to express our full agreement with the Commission's commentary in paragraph 19 that "*treaty practice, jurisprudence and the well-settled acceptance by States establish that crimes against humanity are crimes under international law that should be prevented and punished whether or not committed in time of armed conflict, and whether or not criminalized under national law*". Similarly, we do not consider obligations stipulated in paragraph 1 and 2 of draft article 3 to be affected or altered by an armed conflict.

Building on our last year's comments on draft article 4 favouring broader and more flexible language chosen by the Commission *vis-à-vis* the obligation of prevention, we find specifically relevant the inclusion of other appropriate preventive measures in paragraph a). It allows States to adopt tailor-made preventive measures by taking into account their individual circumstances, local, regional or other contexts. In addition, other measures apart from legislative, administrative, or judicial measures are not strictly required by current wording unless the situation so requires in order to comply with the obligation of prevention. Thus, it does not, in our view, impose any excessive obligation for States.

To conclude, Mr. Chair, I would like to underscore that in general terms, Slovakia considers the draft articles 2, 3 and 4 as prepared by the Commission as highly satisfactory.

I thank you.

