

STATEMENT of the Kingdom of Morocco on Cluster 2- 6th COMMITTEE RESUMED SESSION OF THE 78th SESSION on Crimes against humanity, 02st APRIL, 2024

Mr. Chair,

My statement relates to the second Cluster.

In its definition of crimes against humanity, Article 2 repeats Article 7 of the Rome Statute almost verbatim with some modifications, inserting paragraphs in the form of "without prejudice" clauses while using broad and equivocal expressions to specify the ways and means of preventing the incriminated acts, whether committed or not, in times of armed conflict.

Based on this, States are not only required to refrain from any act that could constitute a crime against humanity, but it is also their responsibility to take reasonable measures to prevent such crimes, to criminalize them in their domestic laws and to provide for appropriate penalties, taking into account the seriousness of these criminal acts so that their perpetrators can be prosecuted by the national judicial authorities.

Also, this definition, which is identical in its form and content to the requirements of Article 7 of the Rome Statute as adopted more than 24 years ago, does not include the various practices which may constitute crimes against humanity in their modern forms. Also, the Commission is invited to study the possibility of considering, in the same framework and in a non-exhaustive manner, the new forms of Crime against Humanity, in particular and by way of example, illegal medical experiments, environmental violations and targeting the cultural identity of different communities.

The Paragraph 2 Subparagraph e) defining "torture", is not consistent with the definition set out in Article 1 of the "Convention against Torture and Other Cruel, Inhuman or Degrading Acts". Indeed, Article 2 does not require any "intention behind the commission of the act" while "intention" is an important criteria which is taken into account by the aforementioned Convention against Torture.

Furthermore, paragraph 1 subparagraph K) refers to "the incrimination of acts" in a general form and lacks clarity when it considers as crimes against humanity, "**Other** inhuman acts of a similar character intentionally great suffering or serious injury to body or to mental or physical health".

In this regard, my delegation proposes to unify the definition of the crime of torture by adopting that which appears in article 1 of the Convention against Torture in order to avoid duplication and divergences, particularly with regard to the repercussions of their implementation at the operational level.

I thank you.