

Statement by Ms. Miyoung Song, Director of the Treaties Division, Ministry of Foreign Affairs of the Republic of Korea
Resumption of 78th Session of General Assembly, Sixth Committee (Agenda: Crimes against Humanity), Cluster 3
New York, 2 April 2024

Cluster 3: National Measures (draft Articles 6, 7, 8, 9 and 10)

Thank you, Madam Chair,

Our delegation considers draft Articles 6 to 10 to be a robust foundation for future negotiations. Having said that, we have some specific comments on national measures aspect.

With respect to the matter of national law, our delegation believes that the extent to which States implement and enforce domestic measures for the prevention and punishment of crimes against humanity will be pivotal for the efficacy of a future Convention. While we advocate for the essential role of national measures, we also recognize the need for further refinement or clarification of certain terms in the draft Articles. Upon ratification of the Rome Statute, our national legislation criminalized the most serious crimes, including crimes against humanity, thereby encompassing a significant portion of the obligations proposed in these relevant draft Articles, including non-applicability of statute of limitations. We also take note that draft Article 7 requires States to establish legal framework for jurisdiction, yet it does not

oblige the actual exercise of this jurisdiction.

Turning to draft Article 10, we concur with the ILC's approach incorporating the provision on the *aut dedere aut judicare* principle. This principle, while reflective of the principle of complementarity and widely adopted in multilateral treaties addressing crimes, is essential as it requires States to either exercise national jurisdiction over alleged perpetrators of crimes against humanity or to extradite them to another State or competent international criminal court or tribunal, effectively addressing any impunity gap. Such a provision will facilitate inter-state cooperation and collaboration with other competent tribunals, thereby reinforcing the collective commitment to ensuring accountability for crimes against humanity.

I thank you.

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