



**PERMANENT MISSION OF THE REPUBLIC OF  
SIERRA LEONE TO THE UNITED NATIONS**

**STATEMENT**

by

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Ambassador and Permanent Representative**

**Resumed Session of the Sixth Committee  
of the United Nations General Assembly**

**“Crimes Against Humanity”  
Second Cluster: Definition and General Obligations  
(Articles 2, 3 and 4)**

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**Chair,  
Co-Facilitators,  
Excellencies,  
Distinguished Delegates,**

1. In consideration of the second cluster on the agenda item, focusing on the **definition and general obligations, Articles 2, 3, and 4**, of the International Law Commission's ("ILC" or "Commission") articles on the prevention and punishment of crimes against humanity, the delegation of Sierra Leone will highlight the following points:
2. Regarding Article **2** concerning the definition of crimes against humanity, I would like to reaffirm our delegation's support for the approach adopted by the ILC. This approach aims to maintain a high level of consistency with the provisions outlined in the Rome Statute of the International Criminal Court ("Rome Statute").
3. While we are cognizant that some members have concerns with this approach stemming from the fact that numerous states are not parties to the Rome Statute and further expressed reservations about the broadness of the definition of crimes against humanity in draft article **2**, from a policy perspective, we continue to support the general consistency approach, to inter alia, safeguard the Rome Statute complementarity principle, and to elaborate a future treaty on crimes against humanity that is universal, complementary, and implementable, as we have already outlined in our **cluster 1** intervention.

4. In the supplementary provision articulated in **Paragraph 3 of Article 2**, an insightful "**without prejudice**" clause has been incorporated, emphasizing that the integration of the Rome Statute's definition is not intended to limit broader definitions found in other international instruments, customary international law, or national legal frameworks. my delegation wholeheartedly supports and commends this astute inclusion, recognizing its importance in preserving the comprehensive nature of legal frameworks and allowing for necessary flexibility in interpretation and application.
5. Additionally, while noting the divergent views on para 2 (a) of article 7, including on the contextual threshold paragraph, my delegation wishes to restate our position as stated in our written comments and observations submitted in 2018 on these points (ref A/CN.4/726).
6. Furthermore, regarding paragraph 1(c), My delegation and many others emphasized the need for further analysis and discussion on the term "enslavement." We expressed the importance of the incorporation of the "slave trade" and "slavery" crimes to be incorporated into the draft Articles.
7. In connection to this, and following our intervention last year, we have submitted the proposal to amend the Rome Statute to enumerate, inter alia, "**slavery as Crimes Against Humanity (CAH) under Article 7, and the slave trade as war crimes under Article 8.**". These proposed amendments aim



to address the gaps in the Rome Statute of the International Criminal Court.

- 8.** The purpose of this proposed amendment is to close the identified legal gaps for slavery and slave trade crimes under the Rome Statute, as the Rome Statute does not contain provisions for the slave trade under crimes against humanity in Article 7 of the Rome Statute, and slavery and the slave trade as war crimes under Article 8 of the Rome Statute.
- 9.** The legal bases for slavery and the slave trade are firmly established in international law. The Rome Statute, however, does not allow for perpetrators to be held accountable for acts of slavery and slave trade crimes in all contexts. The Rome Statute does not have jurisdiction over the slave trade when committed as part of a widespread and systematic attack against a civilian population under crimes against humanity. Similarly, the Rome Statute jurisdiction does not include acts of slavery or the slave trade as war crimes during periods of armed conflict.
- 10.** The present legal omissions in the Rome Statute result in significant impunity gaps. The explicit enumeration of the slave trade and slavery in the Rome Statute under crimes against humanity and war crimes would send a strong signal to the victims in the comprehensive acknowledgment of and redress for their harms.

11. Moving on to **Article 3, general obligations**, we continue to note the importance of the provisions in the three paragraphs. We are generally supportive of these provisions.
12. We welcome the emphasis that no justification exists for committing crimes against humanity, regardless of circumstances (armed conflict, internal instability, etc.), and appreciate that the articles impose on each state a clear and absolute prohibition against engaging in acts that constitute crimes against humanity. This establishes a universal standard and reinforces their gravity.
13. Similarly, article **3** went further to lay the groundwork for a comprehensive approach to combatting crimes against humanity. Equally, they create clear obligations for states to refrain from committing these crimes themselves, take proactive measures to prevent them from occurring within their territories and ensure accountability for perpetrators through effective legal systems.
14. On this note, it is therefore appropriate to reaffirm that this gives rise to the issue of capacity and the need for capacity development. A future treaty on crimes against humanity must have provisions addressing capacity building to ensure effective horizontal cooperation. We look forward to views on this issue and possible elaboration of provisions to address the importance of capacity development.

**15.** On draft Article **4**, which has garnered attention for drawing inspiration from established treaties and international jurisprudence, such as the Genocide Convention, the Convention on Enforced Disappearances, and the Convention against Torture, continues to enjoy the support of not only my delegation but many others.

**16.** Turning to paragraph **(b)**, while several delegations embraced the intention to foster international cooperation, there were reservations about the broadness of the provision. My delegation may want to suggest that we narrow its scope and deep dive into its relationship with other draft articles, particularly Articles **9** and **14**. These deliberations underscore the intricate balance required in framing obligations of prevention, incorporating examples for clarity, and fostering effective international cooperation.

**17. Chair,** I conclude my remarks on Cluster 2 by affirming that the articles under consideration constitute a substantial addition to the ongoing discourse surrounding

the prevention and punishment of crimes against humanity. Our diligent efforts in this **endeavour** will undoubtedly propel us forward in our collective pursuit of justice.

18. I thank you.

