



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

STATEMENT

by

**MR. ABASS SALIEU KAMARA
Minister Counsellor/Legal Adviser**

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

**“Crimes Against Humanity”
Fourth Cluster: *International measures
(Articles 13, 14, and 15 and annex)***

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**336 East 45th Street, New York NY 10017
Tel: (212) 688 1656 - FAX (212) 688 4924 email: sierraleone@un.int**

Chair,

Co-Facilitators,

1. In our consideration of the fourth cluster focusing on “**international measures**” covering **Articles 13, 14, 15** and the **annex** of the ILC’s articles on prevention and punishment of crimes against humanity, the delegation of Sierra Leone expresses the general point that the articles in this cluster are very most important given the legal gap that will be filled by particularly Articles 13 and 14.
2. We therefore welcome the important provisions on extradition (Article 13) and mutual legal assistance (Article 14).
3. On **Article 13, extradition**, my delegation wishes to restate our view that crimes against humanity, genocide, and war crimes should be devoid of any political categorization vis-a-vis“ “political offences” as a basis for denying extradition when perpetration of such crimes occurs. We understand these crimes to be grave, internationally recognized, by their mere/very definition, and commission, thereby

warranting the requisite prevention and punishment as appropriate without any reservation, protection, or special treatment of a perpetrator.

4. As enshrined in Article VII of the Convention on the Prevention and Punishment of the Crime of Genocide, it is consistent with the more recent State practice when concluding multilateral treaties addressing specific international and transnational crimes, and therefore its inclusion is indeed crucial to crystallize State practice and consolidate customary international law.

5. On our part, given the implications in relation to our Extradition Act, 1974, and existing treaty obligations, we will continue to study the provisions of this important Article and its impact on implementation, including ensuring consistency. We appreciate the level of detail in Article 13, on the rights, obligations, and procedures applicable to extradition and the guide they will provide to States that may want to rely upon the provisions as a

basis for extradition from another State for which no extradition treaty exists between them.

6. In this connection, we recall our proposal for a future convention on crimes against humanity to contain express provisions on capacity development and assistance to States.
7. Regarding **Article 14** and the **Annex**, on **legal assistance**, my delegation continues to welcome the provisions as integral to the regime to be established by a future crime against humanity convention based on the Commission's articles.
8. We therefore see merit for a future crime against humanity treaty containing the MLA provisions which will be sufficiently helpful to achieve the holistic objectives and purpose of such a treaty.
9. On **Article 15, settlement of disputes**, my delegation restates our reservations on the practicability of a dispute settlement clause that was heavily transposed from the transnational crime's context

for Crimes Against Humanity convention. We remain unconvinced that a three-tier model of dispute settlement is desirable in the context of the commission of one of the worst crimes known to international law. We consider the requirement to settle disputes concerning the interpretation and application of the future convention through negotiations in the first paragraph we considered as problematic, to which we had cited the **moral gap** that may occur when such negotiations involve the State as the perpetrator, thereby clouding the sincerity of such negotiations.

10. Similarly, the opt-in and opt-out system that Article 15 envisages while may be appropriate for truly reciprocal conventions, would also be problematic for the prohibition of crimes against humanity, which like genocide, is driven by more humanitarian compulsions. Experience and practice have already shown crimes. As we noted, it has been seen that in the last seven decades of having a dispute settlement clause for the genocide context, it can be seen that only a relatively small number of single or joint cases based on that dispute settlement clause have been initiated by States. This shows

that many States might not invest the political and other capital required to initiate disputes against other States even where crimes against humanity are being committed.

11. As a final point on Article 15, and of utmost importance, the current dispute provision provides lesser than what the other true international crime codified in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide provides for. For instance, it fails to address the issue of state responsibility for crimes against humanity. Since the Crimes Against Humanity treaty would be more comparable to the Genocide Convention, Sierra Leone considers that Article 15 on settlement of disputes should at least establish the compulsory jurisdiction of the International Court of Justice along the same lines contemplated by Article IX of the Genocide Convention. This would put a potential Crimes Against Humanity convention on the same plane as the Genocide Convention.

12. My delegation would like to restate our previous proposal of incorporating a minor structural change following the dispute settlement clause contained in Article IX of the Genocide Convention

Chair,

13. Following that Sierra Leone had already noted that the Commission did not advance any proposals for a **monitoring body** or **mechanism**, even though the issue was raised by several members of the Commission, who strongly supported the inclusion of such a mechanism. We reiterate our support of this, as referenced in our written comments.

14. We continue to express our recognition of the importance of and serious consideration, States should give for the inclusion of a monitoring mechanism, premising on the basis that there are already available precedents, with which a carefully tailored monitoring body for crimes against humanity can be crafted.

15. To further provide useful guidance on this, we had previously highlighted some pertinent precedents namely, the Human Rights Committee and the Committee against Torture to enrich an approach to this proposal.

16. We continue to describe that the tenets of such a body should encapsulate the lessons learned and best practices developed by such bodies already in existence to lessen reporting burdens on States. It may be a State-driven mechanism, but of course, could be comprised of independent experts serving in their capacities, to provide further support and assistance for the proper monitoring and implementation of a future crimes against humanity treaty.

17. I thank you.