



**Statement by H.E. Archbishop Gabriele Caccia
Apostolic Nuncio and Permanent Observer of the Holy See
Sixth Committee, Resumed Session
during the 78th Session of the United Nations General Assembly
Agenda item 80: Crimes against humanity
Cluster 5: Safeguards (Articles 5, 11 and 12)**

New York, 4 April 2024

Mr. Chair,

Adequate safeguards to protect the dignity of victims and perpetrators alike are essential to promote the common good of society, while restoring relationships damaged by the commission of crimes against humanity. In this regard, the Holy See welcomes Draft Article 5, which extends the application of the principle of *non-refoulement* to ensure that no person is expelled, returned, surrendered or extradited to a jurisdiction where he or she would be in danger of being subjected to a crime against humanity. This principle, however, should be extended to ensure that no person is extradited to a jurisdiction where he or she would be in danger of being subjected to torture or to the death penalty.

Perpetrators must be held accountable for any crimes that they may have committed, in accordance with the principle of legality and the core principles of criminal justice, including the right to due process and the presumption of innocence. Draft Article 11 provides important rules in this regard, which would ensure fair treatment and the respect for international human rights obligations, thereby contributing to the effectiveness and legitimacy of mutual legal assistance.

Fair treatment must also be extended to sentencing. Penalties should promote both the reintegration of the offenders and their reconciliation with society. In particular, offenders must have access to religious ministers who may assist them in making amends for their crimes.

Mr. Chair,

The Draft Articles should also uphold the dignity of victims, who have suffered greatly as a result of the crimes to which they have been subjected. In this regard, the current Draft Article 12 provides for some basic measures to protect the interests of victims and witnesses. These measures, however, should be further strengthened by enshrining in law the right of victims to receive compensation and assistance to repair the damage they have suffered and to facilitate their reintegration into society. Given that such assistance may not be readily available in the territorial State in which the crimes were committed, the Draft Articles should encourage the provision of voluntary humanitarian and non-pecuniary assistance to the victims from other States, international organizations, non-governmental organizations and religious charitable institutions.

Thank you, Mr. Chair.