



Permanent Mission of Iceland
to the United Nations

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Nordic Statement on Crimes Against Humanity, Cluster V
Safeguards, Articles 5, 11 and 12

Thank you Chair,

I am speaking on behalf of the Nordic countries: Denmark, Finland, Norway, Sweden and my own country Iceland.

The Nordic Countries stand firm in our dedication to human rights for everyone. Without human rights, there can be no rule of law, and vice versa. Human rights safeguards are needed also when fighting impunity for the most serious international crimes. This is one of the reasons why the Nordic countries think the ILC Draft Articles provide for a sound basis for a future convention.

Regarding Article 5 the Nordic countries reiterate the importance of the non-refoulement principle which provides for essential protection under various international legal frameworks, including human rights law and refugee law.

Article 5 underscores that the non-refoulement comes into play when there are “substantial grounds” for believing that a person would be in danger of being subjected to A crime against humanity. The Nordic countries lean towards using the criteria of “serious risk” rather than “substantial grounds” as stipulated in Article 19(2) of the Charter of Fundamental Rights of the European Union and echoed in the jurisprudence of the European Court of Human Rights.

The Nordic countries emphasize the paramount importance of due process rights, especially within the realm of criminal law. We thus appreciate the broad scope

of Article 11 which underscores the fair treatment and full protection of individuals throughout all stages of proceedings. Upholding the right to a fair trial serves as a fundamental aspect of fair treatment and acts as a procedural mechanism to safeguard the rule of law.

Moving on to Article 12, the Nordic countries welcome the victim-survivor-centred approach in the Draft Article. We firmly believe that victims and survivors are and should be at the heart of international criminal justice. Therefore, we remain open to potential amendments to the Article that would further strengthen its objective, and note that some interesting ideas have been put forward by Member States in that regard during the April session of the Sixth Committee last year as well as in the written comments from December.

One such consideration that may be worth exploring is the inclusion of language concerning the right of victims to receive information regarding the progress and outcome of a complaint. Furthermore, the Nordics are amenable to the potential inclusion of another subparagraph to paragraph 1 emphasizing the importance of states employing best practices to avoid re-traumatization during evidence collection.

We appreciate the comprehensive approach in Article 12, which reflects the evolution of international human rights law on this matter. We welcome the non-exhaustive list of forms of reparation presented in the Paragraph 3, which include, but is not limited to restitution, compensation, satisfaction, rehabilitation, cessation and guarantees of non-repetition. Survivors of the most serious international crimes have lived through some of the worst imaginable violations of their human rights, and they deserve the right to receive reparation for the harm they have suffered.

In the view of the Nordic countries, it is essential to keep in mind that the victims in most vulnerable or marginalized situations may face additional hurdles in seeking justice, such as child victims, individuals with disabilities and victims of gender-based crimes. We therefore believe that the inclusion of a provision tailored to meet the needs of these groups, is worth considering.

This concludes our remarks for cluster 5. Thank you Chair.