

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 5
New York, 4 April 2024

Cluster 5: Safeguards (draft Articles 5, 11 and 12)

Thank you, Mr./Madam Chair,

The Republic of Korea deeply values the rule of law and is committed to playing a leading role in strengthening the rules-based international order. In this context, we find draft Articles 5, 11, and 12 on safeguards to be critical and generally support them as a robust foundation for future negotiations. Having said that, we have some comments on draft Articles 11 and 12.

Regarding draft Article 11, we recognize that the language reflects essential principles contained in international human rights instruments. Furthermore, we appreciate the explicit mention of fair treatment “at all stages of the proceedings” for the persons concerned.

Moving on to draft Article 12, the Republic of Korea places great importance on mainstreaming victims’ rights and has demonstrated this commitment through our annual voluntary contributions to the ICC Trust Fund for Victims

since 2010. In this regard, our delegation aligns with the provisions of draft Article 12 concerning victims, witnesses, and others. We are of the view that a future convention will contribute to delivering restorative justice to victims, witnesses, and others. We also note that most states already incorporate similar safeguards within their national systems, thus, we concur with the ILC's approach, allowing states flexibility and avoiding prescribing the means of safeguarding in detail, thereby respecting the diverse legal systems and practices of each state.

I thank you.

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