



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

STATEMENT

BY

Mr. George Shadrack Kamanda
First Secretary

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

**“Crimes Against Humanity”
Fifth Cluster: *Safeguards*
(Articles 5, 11, and 12)**

Seventy-Eight Session
New York, 4 April 2024

(Please check against delivery)

228 East 45th Street, 7th Floor, New York, N.Y. 10017
2126884985 | sierraleone@pmun.net | www.slmission.gov.sl

**Chair,
Co-Facilitators,
Distinguished Colleagues,**

1. The Sierra Leone delegation is delighted to emphasize key aspects regarding the fifth cluster, specifically on 'safeguards' encompassing Articles 5, 11, and 12 of the ILC's articles addressing the prevention and punishment of crimes against humanity.
2. In this debate, we wish to highlight three points:
3. First, on Article 5, **non-refoulement**, our delegation reiterates the significance of this article and appreciates its prohibitive nature, regarding a State's responsibility to prevent the occurrence of crimes against humanity. We subscribe to the proposals of adding additional guarantees for persons concerned with more safeguards based on well-established international and regional legal mechanisms. We do however agree that further deliberation on the inclusion of this draft article is necessary.

4. Second, and on Article 11, **fair treatment of the alleged offender**, Sierra Leone welcomes the inclusion of provisions ensuring fair treatment of persons. In international criminal law, the rights of suspects and defendants are frequently overlooked, and we appreciate the emphasis placed on this aspect.

5. Third, and regarding **Article 12, victims, witnesses, and others**, Sierra Leone emphasizes the paramount importance of victims' rights under international law. We acknowledge the Commission's inclusive provision covering participation and reparation for alleged victims of crimes against humanity. Building on the Commission's efforts, the future Crimes Against Humanity treaty could establish minimum standards for victim treatment.

6. On reparations, while this provision will give Member States another legal platform to discuss strategies for addressing the identified legal obstacles to pursuing justice for slavery and

racial equity, we still hold firm on our reservations on the scope of implementing these provisions.

7. This is particularly true for small and conflict-fragile states that may not have the available resources to respond to reparatory obligations, and even when such resources are available, they are insufficient since there will be more pressing national needs to be addressed.
8. We are therefore tracking, with interest, the current discussions being held by some stakeholders in the international space with explorative and innovative proposals that seek to assist State-led initiatives for reparation, in particular for survivors of conflict-related sexual violence, which is to convert assets of perpetrators as a reparative monetary solution for the victims within their territory. Additionally, our discussions can utilize the concepts of voluntary trust funds and voluntary contributions as seen in the ***Katanga, Lubanga, and Al Mahdi*** cases as examples that the commission can take into consideration,

thereby reducing the burden on States but at the same time, ensuring victims receive the reparative justice due them.

9. Let me proceed to clarify that this is not a move to absolve States who are perpetrators from their obligation of reparative justice, but rather to find a reasonable balance in this discussion and subsequently in the Commission's texts, that will provide an avenue for the monetary aspect of reparations to be addressed.

Chair,

10. In closing, I would like to express my delegation's deep gratitude to the Chair of the Sixth Committee and the Bureau members, and co-facilitators, for their commendable guidance during this rich and insightful exchange of views.

11. We also thank the Secretariat of the Sixth Committee for the excellent preparations and facilitation and my esteemed colleagues for their valuable contributions to our discussions.

We look forward to further constructive engagement on this important topic.

12. I thank you.

