

**Sixth Committee – Agenda item 78  
Resumption of the seventy-seventh session**

**Crimes against Humanity  
Cluster 5: Non-refoulement, Fair treatment, Victims (Articles 5, 11 and 12)**

**Statement by the Federal Republic of Germany  
13 April 2023**

Germany fully aligns itself with the statement delivered by the European Union on Cluster 5 under the Programme of Work.

A Convention on the Prevention and Punishment of Crimes against Humanity contributes to the idea that there is no impunity for the most serious crimes under international law, and in this logic is a human rights convention. This is particularly true for the provisions discussed under Cluster 5.

Art 5 establishes a fundamental prohibition of sending offenders to States where they are at risk. Article 11 provides for fair treatment and due process rights, in particular the right to a fair trial and also consular access.

Art 12 contains far-reaching standards on the rights of witnesses and victims in criminal proceedings. Addressing the vulnerable situation of witnesses and victims within the Convention appears necessary, while the detail of such provisions, the depth of regulation in a future Convention, also the role of horizontal national legislation will be subject to negotiations.

Thank you.