



PERMANENT MISSION
OF THE SLOVAK REPUBLIC

STATEMENT

by

Mr. Ma

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Permanent

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Mr. Chair,

Slovakia fully aligns itself with the statement made on behalf of the European Union and its Member States. We refer entirely to our contribution to the informal discussions within the second cluster made last year, which will only present a few additional reflections.

We are pleased with the definition put forward by the Commission in draft article 2. Not necessarily because it largely reflects Article 7 of the Rome Statute, which this definition has enjoyed the broadest acceptance among the States of the world as an outcome of robust and lengthy deliberations first in the International Law Commission, then broadly among States including with over 160 States in Rome in 1998. Looking back to the work done during the preparatory work from the Rome conference, our understanding is that it was not the definition of crimes against humanity that triggered a vote in 1998. We find support for such assessment also when listening to the statements these two years, even in some delegations that voted against or abstained in Rome.

In relation to the *chapeau* of the definition, we find particularly useful ample examples of jurisprudence examining and summarizing the conditions of attack as contained in paragraph 1 of draft article 2. Speaking from the perspective of a civil-law country, we do not necessarily share concerns about the *chapeau* of the definition, which rather seems to be a result of the common-law approach to domestic legislation. We are fully supporting the current wording of article 2. We wish to do so with interest in some proposals for additional elements or adjustments. We are in favour of an additional discussion offered as an adequate platform for such proposals. As a next logical step, we are convinced that they would be best addressed within formal negotiations of a convention.

Moving on to draft article 9, we would like to express our full agreement with the Commission's commentary in paragraph 19 that "treaty, practice, jurisprudence and the well settled and acceptance by States"

be prevented, established, when a person is committed to the jurisdiction of a court or tribunal or

not a crime under national law". Similarly, we do not consider actions separated in

paragraph 1 and 2 of draft article 9 to be actions of an individual or a group of individuals

Building on our last year's comments on draft article 1 favouring clearer and more readable language chosen by the Commission, I would like to propose, in addition, relevant the inclusion of other appropriate preventive measures in paragraph 1, to allow States to adopt further preventive measures by taking into account their individual circumstances, local, national or other contexts. In addition, other legislative, administrative or judicial measures should be taken, unless the situation so requires in order to comply with the obligation of prevention. Thus, it does not seem to me that in our view, there is any excessive obligation for States.

To conclude, Mr. Chair, I would like to say that the Commission's mission is highly satisfactory. The draft articles 2, 3 and 4 as prepared by the Commission are highly satisfactory.

I thank you.

