

&ULPHV FRQWUH O¶KXPDQLWp

Cluster 2

New York, 2 April 2024

Statement by Switzerland

Merci Monsieur le Président / Madame la Présidente.

1 RWUH pFKDQJH G¶DXMRXUG¶KXL SRUWH V¶Définition DVSHF
GHV FULPHV FRQWUH O¶KXPDQLWp 1RXV DERUGHURQV
découlent de notre but commun de les prévenir et de les punir.

6¶DJLVVDQW GH OD GpILQLWLRQ FRPPH VRXOLJQp SUPF
IH SUR Article 2 reprend la définition donnée à l'article 7 du Statut de Rome de la
&RXU SpQDOH LQWHUQDWLRQDOH j O¶H[FHSWLRQ GH TX
, O HVW HQ HIIHW LPSRUWDQW G¶pYLWHU XQH GpILQLWL
dans la mesure où la Cour pénale internationale est appelée à jouer un rôle central
GDQV OD SRXUVXLWH HW OH MXJHPHQW GH l'Unité de la PHV FR
TXH FHWWH GpILQLWLRQ UHIOqWH O¶pYROXWLRQ SURJ
GHUQLqUHV GpFHQQLHV HW TXH OHV (O`QLqIO Q

En outre, ID 6XLVVH DSSUpFLH pJDOHPHQW TXH OH SDUDJU
SUpYRLH TXH FH SURMHW G¶DUWLFOH HVW VDQV SUpMX
par tout instrument international, par le droit international coutumier ou par le droit
national.

legislation. It is therefore a solid foundation on which we can build to ensure the coherence of the existing legal framework.

In this sense, we feel it is important not to revise the elements of the chapeau. Indeed, the condition that an attack must be "widespread" or "systematic" is disjunctive, not conjunctive. Either condition can be met. We believe it is important to maintain this in a future convention.

Furthermore, Switzerland also appreciates that paragraph 3 of draft Article 2 provides that this draft article is without prejudice to any broader definition provided by any international instrument, customary international law or national law.

Switzerland appreciates the specification that the obligations of States relate to the prevention and punishment of crimes against humanity, whether committed in time of war - in the context of an armed conflict -