



**Statement on behalf of the European Union and its Member States
by Ms. Simona Popan, Counsellor, Delegation of the European Union to the United
Nations**

at the Resumed Sixth Committee Session

"Crimes against humanity"

Agenda Item 80

3 April 2024

– CHECK AGAINST DELIVERY –

Thank you, Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia , Montenegro , Serbia , Albania , Ukraine, the Republic of Moldova, Bosnia and Herzegovina and Georgia, and the EFTA country Liechtenstein, member

Throughout decades, national courts of the EU Member States, the Court of Justice of the European Union and the European Court of Human Rights have developed constant jurisprudence on the application of the principle of non-refoulement. The principle of *non-refoulement* is enshrined in EU ODZ LQ \$UWLF0H DQG RI WKH (8¶V & KDUWHU RI)XQGDP of the European Union and the European Court of Human Rights have subsequently consolidated the application of this principle in the EU and developed clear criteria for its application. Non-refoulement is subject in the EU and its Member States to close judicial scrutiny. This prevents it from being abused or misused for political purposes.

Article 11 Fair treatment of the alleged offender

For the European Union and its Member States fair treatment and fair trial are important due process rights and fundamental principles of the rule of law. They are of particular relevance in criminal proceedings.

During the April 2023 session, some delegations proposed to strengthen this draft article by providing greater guarantees. We very much support that approach.

Fair trial protects the alleged offender from procedural abuses and contributes to enhancing cooperation and the rule of law at international level.

In addition to fair treatment, States are required to provide the alleged offender with μIXOO SURWHF The WHU DQI SURWHFWLRQ¶ ZDV YLHZHG substandard and judged as a controversy in the April 2023 session. While we understand that the term might be understood differently through the lenses of various legal systems and traditions, we believe that such concerns could potentially be addressed by listing the rights that the term μIXOO SURWHFWLRQ¶

Article 12 Victims, witnesses and others

The EU and its Member States believe that a future convention on crimes against humanity should ensure a victims- and survivors-

Accountability is key for ensuring justice to victims and survivors. It is however not sufficient. The process leading up to and following accountability is equally important. Ensuring that victims are heard, engaged with, and that they and their families are not subject to retaliation is key for delivering justice. Additionally, t