

Mme/Mr Chair,

I have the honour to speak on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway and my own country, Sweden, on the topics covered in Cluster I.

IV – Crimes against humanity

Crimes against humanity are among the most serious crimes of concern to the international community as a whole. They are clearly prohibited under international law. Despite this these unimaginable atrocities continue to torment civilian populations and the perpetrators are not brought to justice. We must redouble our efforts to end impunity for these heinous crimes. The Nordic countries therefore welcome the draft articles on crimes against humanity adopted by the Commission on its first reading.

First, we would like to extend our compliments to the Special Rapporteur, Mr Sean D. Murphy, and express our deep appreciation and support for his thorough work on the third report and the new draft articles on *non-refoulement, victims, witnesses and others, extradition, mutual legal assistance and settlement of disputes*.

We would also like to take this opportunity to reiterate our commitment to this valuable project on the prevention and punishment of crimes against humanity, and thank the International Law Commission for the adoption in first reading of this set of draft articles, a draft annex, and commentaries. We believe this to be a significant achievement. We look

We would also like to highlight and give support to the draft article pertaining to the rights of victims of crimes against humanity, although we note that the draft article does not contain a definition of a victim of such crimes. We attach great importance to the rights of victims, including, importantly their ability to raise their case with competent authorities. In this respect, we would also like to express our support to the obligation of each state to ensure that victims of crimes against humanity have the right to obtain reparation for material and moral damages, as stated in draft article 12.

Mr/Mme Chair,

The draft articles on crimes against humanity have a significant potential for great practical relevance to the international community. Among the three core international crimes, only crimes against humanity lack a convention seeking to build up national laws, national jurisdiction and cooperation among States in the fight against impunity. We will continue to support this project that we consider a welcome and timely contribution to the fight against impunity. The draft articles may serve as a good basis for a future convention on the prevention and punishment of crimes against humanity.

Thank you, Mr/Mme Chair.

V - Provisional application of treaties

Mr. Chairman,

Turning next to the issue of provisional application of treaties, the Nordic countries are pleased to learn about the progress of the Commission of eleven draft guidelines and commentaries thereto. They appear to reflect well our earlier comments and observations. We continue to support the efforts of the Special Rapporteur, Mr. Juan Manuel Gómez-Robledo, and the Commission on this topic. While it is clear that domestic legislation plays an important role in the context of provisional application of treaties, the topic also presents a number of questions of an international law character that, in our view, merit consideration.

The Nordic countries welcome the memorandum by the Secretariat reviewing State practice in respect of treaties that have been deposited or registered in the last 20 years with the Secretary-General and that provide for provisional application, as well as treaty actions next session.

The Nordic countries have earlier suggested that it might be useful if the Commission could develop model clauses on provisional application. At the same time, we have acknowledged the challenges involved due to the diversity of the national legal systems. However, in some

cases provisional application may provide a suitable instrument