



PERMANENT MISSION OF THE REPUBLIC OF
SIERRA LEONE TO THE UNITED NATIONS

STATEMENT

by

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Chair,
Co-Facilitators,
Excellencies,

12. We are also particularly supportive of paragraph 4 of the preamble, in that, the prohibition of crimes against humanity bears a jus cogens character, meaning that, by their very nature, they constitute a norm of general international law from which no derogation is permitted.

13. We thus see consistency with Conclusion 23 on the Non-exhaustive list of peremptory norms of general international law, specifically paragraph (c) of the Annex to the adopted draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens) adopted by the Commission at its seventy-third session (2022), and submitted to the General Assembly as part of the Commission's report covering the work of that session (A/77/10, paragraph 43).

14. In relation to paragraph 7 of the preamble, the threshold matter, we wish to make two points. First, we understand that an aspect of the Commission's work that appears to largely reflect "codification" of the customary law of crimes against humanity is the definition of the crime. We take note that the articles are "without prejudice to existing customary international law". Second, we appreciate that appropriate consideration has to be given to

15. Regarding Article 1, on scope, *ratione materiae*, we take note and agree with the Commission's adoption of a narrow approach, focusing solely on crimes against humanity. This is in line with the intent declared by the Commission as contained in the 2013 syllabus presented for this topic, and with the objective "to draft articles for what would become a convention on the prevention and punishment of crimes against humanity" (see Annex B of A/68/10, para. 3). This position was also reflected in the first report of the Special Rapporteur (A/CN.4/680, para. 13).
16. This two-prong scope for a future convention is very much supported, as a future treaty on crimes against humanity must cover both measures for the prevention and punishment of crimes against humanity as expressed in the preamble as well as various substantive articles and the commentary.
17. Article 1 makes this point clear as it provides that the articles apply to both prevention and punishment of the crime. Similarly, Articles 3 and 4 respectively address the "general obligation" and the "obligation of prevention" in respect of crimes against humanity.

was therefore pleased with the Commission acting on our suggestion to amend the title of the draft articles then adopted on first reading to the present title - Draft Articles on the Prevention and Punishment of Crimes against Humanity .

19. Finally on Article 1, the delegation of Sierra Leone further notes with agreement the third paragraph in the commentary on the temporal scope, *ratione temporis* , of a future crime against humanity treaty.

20. Let me close on the Cluster 1 intervention , Chair , by restating that the a articles represent a significant contribution to the present global thinking on the prevention and punishment of crimes against humanity , and our work will take our collective endeavour a step further .

21. On the part of the delegation of Sierra Leone , we are compelled to reflect our experience with the realities of crimes against humanity in all of our engagements, comments, and observations , hopeful as well that it will take us a step further to concluding a complementary, universal, and implementable crimes against hu manity treaty .

22. I thank you.