



In consideration of the third cluster focusing on " covering Articles 6, 7, 8, 9 and 10 of the International Law Commission's ("ILC" or "Commission") articles on prevention and punishment of crimes against humanity, the delegation of Sierra Leone will state as follows:

In relation to , my delegation generally supports this provision, especially the obligation contained in paragraph 1. As we did in our written comments previously referred to in the first-two clusters, and we have concerned about some aspects of the provisions of Article 6.

Regarding paragraph 2 of Article 6, we note as a general matter that the Commission appears to have been selective and not comprehensive in the listing of the various forms of criminal participation that are established in State practice at the national and international levels.

reflected in State practice and in the practice of international criminal courts and tribunals that have prosecuted crimes against humanity. Sierra Leone would therefore propose the addition of "inciting" and possibly "conspiracy" to the list of forms of participation mentioned in paragraph 2 (c) of Article 6.

competent authorities to proceed not only to a prompt and impartial investigation but a thorough one. Reference to a “prompt, thorough and impartial investigation” is helpful to address potential loopholes of a State carrying out a sham investigation, thereby undermining the essence of its obligations under this provision.

In relation to *Prosecution v. Charles Taylor*, the delegation of Sierra Leone, having previously noted that the provision is based on Article 6 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”), and we therefore deem it appropriate for the present crimes against humanity articles. Article 9 establishes three inter-related obligations: 1) the duty to take the person into custody or take other legal measures to ensure his presence; 2) the duty to immediately make a preliminary inquiry; and 3) the duty to notify other states.

We consider that the International Court of Justice’s authoritative interpretation of the equivalent provision of the Convention against Torture applies to Article 9. (See *Prosecution v. Charles Taylor*).

Considering *Prosecution v. Charles Taylor*, Sierra Leone understands the Commission’s decision to refer to the duty, contained in Article 10, using its more common description (aut dedere aut judicare). Nonetheless, despite the convenience of the nomenclature, we understand that the actual obligation on States would be for them to submit the relevant



answers, or one size fits all solutions. Nonetheless, since the purpose of the present articles include the goal of putting an end to impunity for the perpetrators of crimes against humanity, and thus to the prevention of such crimes, we consider that an express clause addressing amnesties, particularly blanket amnesties may be of high valuable.

I thank you.