

Mr. Chair,

The State of Palestine reiterates its position that the effective criminalization of crimes against humanity is necessary to ensure, first and foremost, the protection of peoples, and the efficacy of the draft articles on prevention and punishment of crimes against humanity. The obligation to establish national jurisdiction over crimes against humanity in domestic legal systems follows from various treaties and customary international law. Thus, it is necessary that national laws ensue accountability for the commission of crimes against humanity.

indirectly, in public as well as in private, or directly or

In regards to jurisdiction, primacy should also be given to personal jurisdiction. We believe that a State has similar obligations to investigate crimes against humanity committed by its organs, armed forces, and private personnel, wherever they may be acting including on a foreign territory.

The State of Palestine is encouraged by the ILC's language on " prompt, thorough and impartial investigation" and the general duty and the threshold of " reasonable ground to believe" but we are convinced that this is not enough. Investigations into crimes against humanity have to be legitimate, available, effective, and sufficient.

For example, in this context, concerns have been raised about military courts for their impartiality and lack of independence in the administration of justice. We stress that independence of the Courts is fundamental to the effectiveness of an investigation or a remedy. Sham investigations carried out in bad faith only shield the perpetrators and provide a legitimacy for the commission of crimes. Also, in relation to Article 8, we are of the view that "act" instead of "acts" is more appropriate. A single widespread and systematic act against any civilian population would indeed constitute a crime against humanity.