## Submission by the Principality of Liechtenstein on the topic of "Draft Articles on Prevention and Punishment of Crimes Against Humanity"

## I. Introduction

Liechtenstein once again extends its appreciation to the International Law Commission (ILC) for its work on the Draft Articles on Prevention and Punishment of Crimes Against Humanity, which aim to fill a significant gap in the international legal system. Last year marked an important turning point in terms of progress on a potential convention on crimes against humanity, when a consensus was reached in the General Assembly to convene two substantive intersessional exchanges in the Sxth Committee regarding all aspects of the ILCs Draft Articles and accompanying comments. Liechtenstein has been actively engaged in the intersessional discussions and welcomes the strong participation in the substantive dialogues. These encouraging developments over the past year form the basis for the upcoming second intersessional discussions, which offer an opportunity to move closer towards a comprehensive solution.

We are grateful for the invitation to provide our written comments and observations regarding the draft articles and the Commission's recommendation pursuant to paragraph 6 of General Assembly resolution 77/249, and commend the initiative to gather and distribute these comments in preparation for the 9xth Committee meeting in 2024, aiming to enhance the efficiency and transparency of our collaborative endeavors.

## II. Key suggestions

Article 2 [1] Definition of crimes against humanity

- 1. For the purpose of the present draft articles, against means any of the following acts when committed as part of a widespread or systematic attack:
  - (h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or in connection with the crime of genocide or war crimes with the crime of genocide, war crimes or the crime of aggression; [Art. 7 (1) (h) RS]

Arguments: The Rome Statute should be reflected accurately and fully, which is best done by spelling out the relevant crimes in the Statute, which itself refers to crime within the jurisdiction ime of aggression.

Argument: Provision should:

showing that in certain circumstances it is unreasonable for a State to invoke statutory limitations in civil litigation; and provide useful guidance in anticipation of an increase in civil litigation concerning acts that may amount to international crimes<sup>2</sup>.

III. Other Suggestions

Article 11 [10] Fair treatment of the alleged offender

1. Any person against who

- (b) to be visited by a representative of that State or those States; and
- (c) to be informed without delay of his or her rights under this paragraph.
- 3. The rights referred to in paragraph 2 shall be exercised in conformity with the laws and regulations of the State in the territory under whose jurisdiction the person is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purpose

- Y. For the purposes of the Statute and the Rules of Procedure and Evidence Convention:

  (a)
  sion of any crime within the jurisdiction of the Court offence covered by the present draft articles;
  - (b) Victims may also include organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes. [Rule 85 ICC RPE]

<u>Argument:</u> Fundamentally necessary to classify who is considered a victim and subject to reparation rights; victims and their relatives require to know the full and complete truth of