

**Statement on behalf of the European Union and its Member States
by Ms. Simona Popan, Counsellor, Delegation of the European Union to the United
Nations**

at the Resumed Sixth Committee Session

"Crimes against humanity"

Agenda Item 78

conventions, such as the 1948 Genocide Convention, the 1973 Apartheid Convention, the 1984 Torture Convention, the 2000 Transnational Organized Crime Convention, the 2006 International Convention for the Protection of All Persons from Enforced Disappearance, as well as a number of regional conventions, for instance the 1994 Inter-American Convention on forced disappearance of persons. Most crimes that may qualify as crimes against humanity have already been widely prohibited in many States, including murder, enslavement, imprisonment, rape and persecution. Therefore, including prevention in addition to prohibition is based on previous treaty practice.

We acknowledge that some delegations in their contributions to the ILC ¶ Work considered that the scope of the obligation to prevent is unclear as it is not very specific. While it could be considered to concretize the nature and content of this obligation, it is useful to recall the jurisprudence of the ICJ, which clarified WKDW ZKHQ HQJDJLQJ LQ PHDVXUHV RI SUHYHQWLF WKH OLPLWV SHUPLWWH The Reference to Uniformity with LQWHUQATI ODI is the ICJ jurisprudence.

In this respect, we note that States have a diversity of tools to meet this obligation. Preventive measures not only include internal measures, such as effective legislative, administrative and judicial measures, but also cooperation with other States (as a reflection of the duty of cooperation among States under the UN Charter) and with relevant intergovernmental and other organizations.

¹ Application of the Convention on the prevention and punishment of the crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro, para. 430.

We welcome this underlying intention of the draft articles to foster international cooperation.

I thank you.