

raised the important point of the necessity to expand the definition of "crimes against humanity" to address matters that could be progressive development, in particular to extend the list of prohibited acts to include, for instance, economic, land and mineral exploitation, and environmental degradation.

My delegation was already alive to this point and in our written comment, we noted that:

[A]lthough it is true that the Statute definition of crimes against humanity is considered to largely reflect customary international law, in the view of Sierra Leone, the Commission should not lose sight of the fact that the definition of crimes against humanity is narrower in some respects than the definition of crimes against humanity under customary international law. For this reason, an important question for us is whether, in adopting in its entirety the Statute definition of the crime, minor adjustments could not be made to improve it twenty[-five] years after the Statute, case law interpreting the crime contained in Article 7 to concrete cases has begun to accumulate. That same jurisprudence, which will no doubt continue to evolve and should inform future interpretations of this definition based on the International Criminal Court, has revealed some drafting mistakes that were not evident when the Rome Statute of the International Criminal Court was negotiated in 1998.

In view of the above, the delegation of Sierra Leone has identified legal gaps that result in manifest impunity for slavery and slave trade crimes under the Rome Statute. The Rome Statute includes provisions for enslavement and sexual slavery

as crimes against humanity and transplanted in Article 2 of the Commission's articles on prevention and punishment of crimes against humanity.

Regrettably and critically, the Rome Statute does not contain provisions for the slave trade, which governs the intent to bring a person into - or maintain them in - a situation of slavery. Given Sierra Leone's experience, particularly on the prohibitive act of forced marriages and the notion of the so-called "bush wife" which in our view are acts of slavery and slave trade in the repeated distribution to fighters, we are in the process of submitting proposals to amend the Rome Statute to enumerate, inter alia, "*the slave trade under crimes against humanity in Article 7 of the Rome Statute*". We would therefore put forward the same proposal for any future crimes against humanity treaty.

In relation to _____, _____, _____, we note the importance of the provisions in the three paragraphs. We are generally supportive of the provisions; including for paragraph 1,

parties]to do all in their power to prevent the commission of any such acts in the future” . We also understand with approval the inclusion of the non-invocation of the “ no exceptional circumstances whatsoever” as a justification for crimes against humanity in paragraph 3, as inspired by provisions in existing international law instruments, including Article 2(2) of the Convention Against Torture. We hope to provide further comments on Article 3 in the resumed 78th session.

Regarding the _____ in _____, my delegation understands the importance of the reference to States undertaking to prevent crimes against humanity in the chapeau, to be “in conformity with international law”, as fundamental to ensure conformity with the Charter of the United Nations on the use of force. The goal of prevention of crimes against humanity must not and never be a pretext for intervention in the internal affairs of other states, in violation of international law.

My delegation also wishes to point out that the modes of

addressing capacity building to ensure effective horizontal cooperation. We look forward to views on this issue and possible elaboration of provisions to address the importance of capacity development.

I thank you.