



**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

Cluster III

United Nations, New York

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– CHECK AGAINST DELIVERY –

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia , A

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instance, persons in police custody enjoy both the right not to incriminate themselves and to remain silent and the right to be assisted by a lawyer whenever they are questioned.

Some States, in their submissions to the ILC, expressed concerns regarding the obligation to ‘immediately notify’. The commentaries themselves recognize that sometimes the situation requires more flexibility and it is not straightforward. Therefore, this obligation needs to be understood against this background.

[Article 10 *Aut dedere aut judicare*]

Under the rule *aut dedere aut judicare*, a State in the territory under whose jurisdiction an alleged offender is present, is obliged either to exercise jurisdiction or to extradite an alleged offender to another State that is able and willing to do so. This principle has been included in a number of treaties, and it is based in the so-called ‘Hague formula’ pursuant to the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft. Its main purpose is to avoid that States provide a safe haven for a person suspected of committing crimes against humanity. We therefore welcome it.

As international courts and tribunals play a significant role in the fight against impunity, we welcome that draft Article 10 includes a reference to ‘surrender’ to a com-7(at199.00000B6>900sM017ou)(r)-(t)-7(s sM017o)-3()-6 14fn>-6)-7(4kgr)

With regard to the issue of amnesties, which comes into play when discussing this draft article, we note that the Rome Statute, similar to the draft articles, does not include such a provision. However, the ICC Pre-Trial Chamber found that 'granting amnesties and pardons for serious acts such as murder constituting crimes against humanity is incompatible with internationally recognized human rights'.¹

I thank you.
