

Crimes against Humanity ±Cluster 5

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Statement by H.E. Mohan Pieris, Permanent Representative of Sri Lanka to the UN

which is the guarantee against the surrender or extradition of a person to another state where there are substantial reasons to entertain the view that the refouler is in danger of being subject to a crime against humanity. We referred to this yesterday as a matter that forms part of sound public policy. Here, we are transferring a person from one state to that of another. You will recall that the principle is incorporated in several treaties during the 20th century including the 4th Geneva convention in which common article 3 implicitly include the obligation of non-refoulement. This principle has



council in resolution 1674 recognized the responsibility to protect civilians in the times of conflict and consequence many member states have incorporated the provisions of these resolutions into their local laws. We must ensure that the resolution is effective. We must appreciate that it is increasingly recognized that states not only have the powers to exercise universal jurisdictions of the exercise universal jurisdiction but also have the duty to do so or to willing to exercise the jurisdiction to bring them to justice in their own courts. We now see a trend that states have begun to fulfill this obligation to enact legalization to exercise universal jurisdiction under intentional law under exercise such jurisdiction. I hope my friend from Cameroon finds my clarification to be helpful. Madam Chair, I must observe that if accountability defends to the interest of humanity as a formal matter the other measures that implement the rights in the transitional justice structure namely the rights to truth, reparations and guarantees of non - repetition should be considered and conceived as human rights or the individuals. It is my respectful view that the victims of crime who have individually or collectively suffered harm including physical or mental injury , suffering, economic loss or substantial impairment to their fundamental rights as the result of the war crimes or crimes against humanity must be compensation by easy access to justice and fair treatment, restitution, compensation, reparations and assistance to regain their humanity and to ensure that they live in dignity as members of the human family. I might mention in passing that SL in its post conflict reconciliation process has adopted many measures amongst which they address matters of missing persons, reparations and many other restorative justice mechanisms.