



Sixth Committee "Resumed session on Crimes Against Humanity:
Cluster III"

Statement by Wieteke Theeuwen, legal adviser, Permanent Mission
of the Kingdom of the Netherlands to the United Nations

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Thank you Mr./Madam Chair for giving me the floor

My delegation has already conveyed its gratitude for all those involved in allowing us to meet in this format, so I will not be repetitive, but I will say that I am particularly pleased to see you, Madam Chair, leading us so eloquently in this discussion today.

My delegation aligns itself with the statement made by our distinguished colleague from the European Union. Allow me to share a few very brief remarks in my national capacity.

The Kingdom of the Netherlands considers articles 6 criminalisation, article 7 jurisdiction and art 10 on aut dedere aut judicare essential as they fill a gap in the framework of criminal accountability. This, we believe, will put an end to impunity for the perpetrators of crimes [against humanity] and thus contribute to the prevention of such crimes.”

The Kingdom of the Netherlands considers article 6 as an important provision obliging States to criminalize crimes against humanity under their domestic law and supports the non-applicability of statutory limitation periods in criminal proceedings, which is also reflected in our national legislation (the International Crimes Act).

As also noted by our distinguished colleague from the European Union Delegation, we acknowledge that draft article 6 does not have consequences for immunity of a foreign state officials in a national criminal jurisdiction. This issue continues to be governed by customary law. We do like to underline however, that article 7 of the ILC draft articles on immunity of state officials from foreign criminal jurisdiction states that functional immunity *ratione materiae* shall not apply in respect of crimes against humanity.

