



*National Measures  
(Articles 6, 7, 8, 9 and 10)*

*Check Against Delivery*

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In consideration of the third cluster focusing on " covering Articles 6, 7, 8, 9, and 10 of the International Law Commission's (" ILC " or " Commission ") articles on prevention and punishment of crimes against humanity, the delegation of Sierra Leone will make the following points:

In relation to , , my delegation generally supports this provision, especially the obligation contained in paragraph 1. Nonetheless, we wish to reiterate our concerns about some aspects of the provisions of Article . In paragraph of Article , we observe that the Commission's listing of various forms of criminal participation lacks comprehensiveness, featuring selective inclusion of inchoate crimes like attempts while omitting others such as conspiracy. This also applies to the treatment of "incitement" as a mode of liability.

As previously stated, we maintain that incitement as a form of accessory liability is well established in customary international law. It's significant to genocide and, given the systemic nature of such core crimes, also to crimes against humanity. This mode of criminal participation is evident in State practice and the practice of international criminal courts and tribunals in prosecuting crimes against humanity. In this regard, Sierra Leone maintains the call for the addition of " " and possibly " " to the list of forms of participation mentioned in paragraph ( ) of Article .

Reflecting on previous deliberations on draft article which focuses on the criminalization of these crimes under national law, various perspectives were shared. My delegation agrees that draft article is pivotal, obliging States to integrate crimes against humanity into domestic legal frameworks, thus addressing existing gaps. We believe that this inclusion could significantly improve prosecution at the national level, particularly where current laws only cover specific acts like murder or torture.

However, we also note differing opinions on retaining specific paragraphs in draft article . Some advocate for keeping only the first paragraph to align with the Genocide Convention, while others suggest flexibility in naming crimes, recommending the text be advisory rather than obligatory for States. Despite these differences, we continue to see merit in the idea that variations in national laws should not impede future cooperation under a potential convention.

Regarding paragraph , we wish to highlight the nexus or connection to procedural immunities even though official position is not a ground for excluding criminal liability. My delegation has extensively commented on the Commission's work on immunities, and we support the Sixth Committee's ongoing consideration of universal jurisdiction, aiming to prevent its misuse and abuse and ensure a thorough examination of these crucial issues.



My delegation notes the Commission's omission of an explicit