

&ULPHV DJDLQVW KXPDQLW\
\$JHQGD LWHP
WVHVLRQ UHVXPHG

$$\frac{7 + (0\$7, & \&/867056) (*8\$5'6}{'5\$)7 '(&/\$5\$7,21)275+(86(2) (;&+\$1*(2) 9,(:6 21}$$

Thank you Mr Chair.

Türkiye has comments on draft Articles 5, 11, and 12.

\$UWLFOH

:LWK UHJDUG WR7 • UNLWHS ERQV FGHUV WKDW IXUWKHU GHOLE
D 3QRIQIRXOHPHQW' FODXVH LQ WKLV QDWXUH MWK Q HFUHDVWD
DUWLFOHV

DFFXUDPHWLRQV SXW IIRJZODLWGD ERWK HWK
OLJKWDP ELJXLWLHV DQG TXHDSUWLIRFQHFUIHO WZG LEFKULGQW DR
WKDW WKHUH LV D QHHG IRU D FRQWLQXHG GLVFXVLRQ R
:LWK UHJDUG WRUWVWV ERQV FGHUV WKH RSLQLRQ WKD
UHIRXOHPHQW DQG WKH XVHWRDIHWKH IRUPXODWLRQRXQ GWKH
OHDG WR D PLVXQGHUVWDQGLQJ WKDW WKH SURYLVLRQV D
(YHQ WKH WHUPV RI 3H[SXOVZIRQD DQGG HIG WKDWK G/GRQV O HE H
VXIILFDHQ WQWKHWHUP WWH HGS WQSDOB JUD%SKFDXK/HUH ZRXOG
VWLOO EH DQ LQFRQVLVWHQ FU NZLW KFRWQPK W WVKFDZ WUXDUN QGH
\$UWLFOH LV OLPLWHG VZK HQWHDU WKB WWH HIRP/SHWUBWHI QGHU F
GHOLYHU\ RI D SHUVRQ WR DQ LQVLHU EDVLRQEDV WR D WWH K K
LQ SDUDJUDSK H[DRRQG EH UH

2Q WKH RWKHU KDQG DV IRU SDUDJUDSK 7•UNL\H VKDU
GHOHJDWLRQK JODFN RI FODULW\ DV WR KRZ XWRWQHWDU
JURXQGV IRU EHOLHYLQJ WKDW KH RU VKH ZRXOG EH LQ G
KXPDQLWQ WSKUDWLVQJ FDQ EH RSHQ WR DEXVH DQG SROLV
DVVLVWDQFH SURFHGXUHV

As known, despite their interactions, international criminal law, international human rights law and international humanitarian law clearly differ in their scope. On the other hand, the draft articles focus on the crimes against humanity. Therefore, according to Türkiye, determining whether there is a non-refoulement obligation of the competent authorities of a given state should take into account the State concerned for a consistent pattern of acts listed in draft Article 7; instead of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law beyond the scope of the draft in question.

The terms "human rights violations" or "violations of humanitarian law" are broader than the term "crimes against humanity". Therefore, reference to a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law goes beyond the scope of the draft in question.

The delegation considers that further clarification is required to preclude potential misuses.

\$UWLFOH

2GGUDIW \$UWLFOH 7•UNL\H ZRXOG QG QDNW PSMRU P DUNDSK VKRU
7•UNERHQ FZLWKK H WIKH ZV LV LPSRUWDW QVH VSR RYSLMURHUM R W RI
\$UWLFOH DUH IXOO\ FRQVLVWHQW ZLWK WKH SURYLVLRL
&RQVXODU 5HODWLRQV ZKLFK LQ JHQHUDO UHJXODWHV FR
VHQGLQJ VWDWH

\$UWLFOH

7XUQLQJ WR 'UD\ WNS\ WND WIKOH WIKH ZV DDJ LILG DSDUFDQ Q G ISKD WLQJ
WKDW WKLV REOLJDWLRQ ZRXOG DSSO\ ZLWK UHVSHFW WR
WKH WHUULWLRQDWH QVH MLXW R D BUCB\ WRLQF H UHTXLUHV 6WDV
SURPSW DQG LPSDUWLDO LQYHVWLJDWLRQV ZLWK UHVSHFW
FRPPLWWW W G MQUGLW G D E Q W RCH FRPPHQWDULHV ' WDKH W \$HFOHWLFR
DQG GDI W \$LFOH LV QRWHG

\$V IRU WKH TXHVWLRQ 7•RQ WKKH UUL JKRW LWRV W W XDWKDRQ W UH
UHLW W K D W H V DPELJXR XV ZKHWKHU W W KH ULJKW WR WUXV
ZLGHVSUHDG DFFHSWDQFH LQ LQWHUQDWLRQDO ODZ

\$JDLOQ UHVSQRVH WR WKH UHOHYDQW TXHVWLRQ SXW E\ İŞ

:LWK UHVSHFW W B NSU HDH W B S K UDO UHIHUHQFH WR WKH ³UL
SDUDJUDSK DV WKH ULJK VWDRW E W W L W X W L R Q P D \ Y D U \
:LWK UHJDUG WR W P F R Q O S E W D Y H E Q V L R Q P \ G H O H J D W L R Q W
KHOG GXULQJ WKH S U H V Y H L R X W V L H W W I S R Q L D Q L R Q I R U W K H W L P
)LQDOO\ LQ UHVS R Q V H W R F W I O F L C H O H D Y D R Q W T Z H I V W L S R Q R B W V
SDUDJUDSK DOORZLQJ GHURJDW & & Q 5 E D V H G R Q \$ U W L F O H