

Crimes against humanity
Agenda item 80
78th session (resumed)

DRAFT DECLARATION FOR THE USE OF EXCHANGE OF VIEWS ON
THEMATIC CLUSTER I
DRAFT ARTICLES , PREAMBLE AND ARTICLE 1

Mr Chair, and distinguished delegates,

It is a great pleasure to address the Sixth Committee today. We would like to take this opportunity to offer our sincere appreciation and gratitude to the International Law Commission (ILC), Special Rapporteur Sean Murphy, all the members of the Bureau and fellow delegations for their continuous efforts on these draft articles.

Türkiye values synergy created here today and efforts of mutual understanding amongst States especially in the context of international crimes.

Türkiye also would like to note the importance of this work especially when gross violations of international law, which may amount to genocide or crimes against humanity are being committed in Gaza and yet impunity persists.

Mr. Chair,

Crimes against humanity have the potential to disrupt social order and the rule of law, and jeopardize peace and security. They threaten human dignity and the very foundations of this organization.

Ensuring that such crimes are prevented and duly punished must remain at the heart of the LQWHUQDWLRQDO FRPPXQLW\¶V HIIRUWV WR DFKLHYH WKH Nations.

Türkiye, like many other countries, has codified crimes against humanity in its national law and supports international efforts to tackle such crimes.

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With this understanding, we support a meaningful, inclusive and structured discussion where the

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In response to the relevant question of the facilitators, we share the view that the Draft Articles must clarify that they would not alter international humanitarian law (IHL) or international human rights law, which constitute *ius specialis*. Türkiye concurs with the view that such clarification is particularly needed in order to avoid undermining established IHL norms or criminalizing conduct undertaken per IHL. To this end, the inclusion of a *specialis* reference in the preamble would be welcomed by Türkiye.

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violated compared to others, Türkiye is hesitant about following a seriatim approach for some technical reasons. As the experience of the preparatory works of the Genocide Convention most vividly proved, providing such a list could cause lingering and fundamentally unresolvable debates about which groups should be listed or left out. As time changes, some groups may become disadvantaged, while others may overcome their disadvantages. A seriatim approach is unable to respond to such possible evolutions and thus any list may become outdated in the future.

Article 1

With regard to draft article 1, we are of the opinion that no reformulation is currently needed to directly address the object and purpose of a future convention given that the scope and object may evolve and change over time as the overall text evolves.

On the other hand, we believe that prohibition of retroactive application should be explicitly stipulated in the draft articles, since non-retroactivity of treaties and norms is a widely accepted principle of international law. To ensure clarity, in our view, an explicit reference to the principle of non-retroactivity, alongside the date of entry into force, must be included in Draft Articles.

Türkiye firmly believes that the primacy of territorial jurisdiction should be clearly established and a provision to this end can be added to draft article 1.

Finally, in our view, it would be useful to include a separate provision regarding general definitions of the terms used in these draft articles.

I thank you.