

**Comments of Ukraine
on the draft articles on crimes against humanity
of the International Law Commission**

Article 3 “Definition of crimes against humanity” of the draft articles contains the list of acts constituting “crime against humanity”. This article based on the article 7 of the Rome Statute of the International Criminal Court, the jurisdiction of which was accepted by Ukraine.

Article 7 (h) of the ICC Statute stipulates that a “persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or **any crime within the jurisdiction of the Court**”.

While Article 3 (h) of the draft articles stipulates that a “persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or **in connection with the crime of genocide or war crimes**”.

Taking into consideration that according to the article 5 of the ICC Statute the Court has jurisdiction with respect to the following crimes: (a) The crime of genocide, (b) Crimes against humanity, (c) War crimes, (d) The crime of aggression, Ukraine proposes to bring Article 3 (h) of the draft articles in conformity with Article 7 (h) of the ICC Statute.