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The Permanent Mission of Egypt
to the United Nations
New York

بعثة مصر الدائمة
لدى الأمم المتحدة
نيويورك

**Resumed Session of the United Nations
General Assembly Sixth Committee
(77th Session)**

**الدورة المستأنفة للجنة السادسة للجمعية العامة
للأمم المتحدة (الدورة ٧٧)**

**Statement on Cluster I
“Crimes Against Humanity”**

**بيان حول المجموعة ١
“الجرائم ضد الإنسانية”**

**Ahmed Abdelaziz Elgharib
Legal Advisor**

**أحمد عبد العزيز الغريب
المستشار القانوني**

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Mr. Chair,

At the outset, my delegation would like to express its gratitude to the Secretariat of the Sixth Committee for its outstanding efforts in preparing for the current session.

Mr. Chair,

As we would all recall, discussions on the ILC draft articles on crimes against humanity have not been easy throughout the past sessions. Particularly since their adoption by the ILC on second reading and their submission to the Sixth Committee in 2019, our discussions have manifested that wide gaps exist and remain between Member States on many aspects of these draft articles. Thus, the General Assembly was unable to go beyond continuing the examination of the recommendation of the ILC in the 74th, 75th, 76th and 77th sessions.

In the main part of the current 77th session, the Sixth Committee managed to craft a very **delicate compromise** to allow for more dedicated time to discuss the draft articles. General Assembly resolution 77/249 thus created intersessional space during the 77th and 78th sessions “in order to exchange substantive views, including in an interactive format, on all aspects of the draft articles, and to consider further the recommendation of the Commission contained in paragraph 42 of its report on the work of its seventy-first session”.

Furthermore, resolution 77/249 created a clear process for the consideration of the draft articles, including written summaries of deliberations during the two resumed sessions, Member States comments and observations to be submitted by

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the end of 2023, and a report by the Secretary-General to be circulated well in advance of the session of the Sixth Committee to be held in 2024.

Finally, It was decided that the Sixth Committee, at the 79th session of the General Assembly, in the light of the written comments and observations of Governments, as well as the views expressed in discussions at the 77th and 78th sessions and the written summary, will further examine the draft articles and the recommendation of the ILC and take a decision on this matter, **without prejudice** to the question of their future adoption or other appropriate action.

Mr. Chair,

Resolution 77/249 was carefully designed to avoid any predetermined or premeditated outcome at the 79th session and to set aside any preconceived notions regarding the draft articles and any potential action regarding them. I would like to **emphasize** that this is the understanding we share with many other delegations as we engage in the current intersessional work on the matter. Otherwise, our work here will be rendered useless.

It is of paramount importance as we carry out our work in this resumed session, to be reminded of the *raison d'être* of the current process. This is clear in my delegation's view, namely to engage in deep and meaningful substantive discussions on the draft articles and the recommendation of the ILC. All options remain open in the 79th Session, and delegations should not pursue any predetermined outcomes. Instead, our collective objective should be to identify areas of convergence and attempt to resolve any differences in views, based on consensus and guided by international instruments of a similar nature enjoying universal acceptance.

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I reassure you of Egypt's willingness to engage constructively during the discussions of the five clusters.

Regarding the parts of the draft articles falling under cluster I, my delegation is of the view that the reference to the ICC statute in the preamble should be eliminated, since it is an instrument that does not enjoy universal membership. Furthermore, the preambular paragraph on the "duty of every State to exercise its criminal jurisdiction with respect to crimes against humanity" should be constrained to cases where a clear nexus is established between the state exercising jurisdiction and the crime.

Further remarks will be provided during the discussions on the remaining four clusters.

Thank you, Mr. Chair.