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Statement by
Kurabachew Tirfesa Dabesa, First Secretary,
on behalf of the Federal Democratic Republic
of Ethiopia

on

Agenda Item 80: Crimes Against Humanity at
the Resumed Session of the Sixth Committee;

NEW YORK.

1 April 2024

Thank you, Chair of the Sixth Committee, and co-facilitators, for your work in steering the discussions. We also would like to commend the co-facilitators for compiling the summary document based on last years' deliberations.

My delegation aligns itself to the statement made by the distinguished representative of Uganda on behalf of the African Group, and I would like to make the following remarks based on my national capacity.

I wish to start by reiterating our thanks to the International Law Commission (ILC) for providing draft articles and commentaries that inform our discussion on the draft articles of crimes against humanity.

Considering today's discussions is over the preamble and the first article, I would like to avail the opportunity to express Ethiopia's policy position on the subject of whether there is a need to have another convention on crimes against humanity.

Primarily, we are of the view that this process on the first resume session as contained under UNGA resolution 77/249 is to facilitate discussions based on the draft articles. This is not a process to negotiate a binding instrument or shall not serve as a process leading to any official initiative for treaty negotiation.

With regard to the draft articles, Ethiopia would like to reiterate its position that existing human rights instruments, humanitarian laws, and domestic criminal laws provide a sufficient legal basis for the prosecution of crimes against humanity.

Ethiopia is not a party to the Rome Statute hence, we emphasize that criminal law and criminal justice policy are primarily within the domain of national jurisdiction. International tribunals should be established on an ad-hoc basis and only with the consent of the state(s) concerned. Therefore, we cannot support any reference made to the international criminal court or its constitutive statute, through the draft articles, including the preamble. We are of the view that reference to the Rome Statue and the ICC that is not accepted by more than one third of the UN membership also complicates our discussion and undermines consensus.

We believe that the draft articles under discussion should, accordingly, be centered around national laws, investigation, prosecution, and judicial processes at the national level. Moreover, we stress the importance of respecting state immunity, sovereignty, and non-

interference in internal affairs of states. This is a fundamental principle that must be fully respected and reflected in the draft articles in line with the UN Charter.

On this basis, if states believe they have a loophole in their legal framework, they should have the right and responsibility to fill the gap as they see fit. For example, Ethiopia's Constitution, promulgated in 1995, has a dedicated a provision with regard to crimes against humanity. It provides that, such offences may not be commuted by amnesty or pardon of the legislature or any other state organ and shall not be barred by statute of limitation. Our Criminal Code also establishes universal jurisdiction on crimes against humanity. This national law led process is evidently the most successful approach to prevent and compact heinous crimes such as crime against humanity.

In conclusion, we hope that the ILC will carefully consider the useful contributions from this discussion and modify the draft articles accordingly, in line with the purpose of UNGA Resolution 77/249 to facilitating an exchange of views on the draft articles.

Thank you!