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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 V
"Crimes Against Humanity"**

**بيان حول المجموعة ه
"الجرائم ضد الإنسانية"**

**Ahmed Abdelaziz Elgharib
Legal Advisor**

**أحمد عبد العزيز الغريب
المستشار القانوني**

12 April 2023

١٢ أبريل ٢٠٢٣

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Madam Chair,

Regarding Cluster V, my delegation has the following brief remark to make as to Article 5 of the draft articles concerning *non-refoulement*.

We agree that “no state may expel, return, surrender or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to a crime against humanity” as per Article 5/1 of the draft articles under discussion.

However, we cannot agree with the approach employed in Article 5/2 for determining whether such grounds exist or not. In this regard, the sub paragraph referred to “all relevant considerations” including the “existence in the State concerned of a consistent pattern of gross, flagrant, or mass violations of human rights or of serious violations of international humanitarian law”. While similar provisions are provided for in the 1984 convention against torture and the 2006 international convention for the protection of all persons from enforced disappearance as per the commentaries, we find it particularly unbecoming for a potential convention on crimes against humanity.

On the one hand, such a provision conflates an international atrocious crime with less serious violations, and on the other hand it opens the door for politicization and attempting impose the exercise of jurisdiction by some states where the alleged offender might be merely present at the expense of states having a genuine nexus with the alleged crime.

Thank you Madam Chair.