



UAE Intervention in the 2023 ILC Debate:

Immunity of State Officials from Foreign Criminal Jurisdiction

Mr/Madame Chair

The UAE wishes to direct its remarks to the topic of the “Immunity of State officials from foreign criminal jurisdiction”.

The UAE notes the numerous comments made by States in previous meetings of this Committee concerning draft article 7 on exceptions to immunity *ratione materiae*. This year, the Commission’s full set of draft articles have been circulated for our comment by end of 2023. The UAE considers it necessary to add its views this session.

We note the article has remained unchanged from the Commission’s text that has raised material concerns since 2017. The problems with draft article 7 are well-documented in the work of both the Sixth Committee and the Commission, so the UAE will only make a few points today.

First, draft article 7 does not reflect existing international law, nor a trend in State practice or international jurisprudence. The majority of States which commented have reached this conclusion as have a notable number of members of the Commission. The UAE agrees with others that the relevant State practice and *opinio juris* is neither widespread nor uniform.

Second, the UAE strongly supports accountability for international crimes, it supports national prosecution of international crimes, and it agrees that immunity is procedural and not substantive. However, the UAE believes that draft article 7 does not achieve the necessary balance between the sovereign equality of States and the fight against impunity. It will undoubtedly negatively impact on harmonious international relations.

Third, we take note of the division among the Commission members on this matter and the concerns expressed by certain members. The UAE considers that any proposal for progressive development of international law on such an important topic should not be advanced without broad consensus and the support of the vast majority of States.

For these foregoing reasons, the UAE would not be in a position to commend to the General Assembly a set of draft articles which contains the current draft article 7. We encourage the Commission to listen to the views of all States in the Committee, and to reflect and work towards a consensus reflecting all its members’ views on the important but highly sensitive issues contained in draft article 7.

Thank you

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Mr/Madame Chair