



**78<sup>th</sup> Session of the United Nations General Assembly**

**Sixth Committee**

**Item 80: Crimes against Humanity**

**Statement by H.E. Ambassador Mohan Pieris**

**Wednesday, 11 October 2023**

Mr. Chairman,

Sri Lanka is committed to upholding the principles of justice, human rights, and the rule of law, both domestically and on the international stage. We firmly believe in the importance of addressing crimes against humanity as a collective responsibility of the global community. Sri Lanka stands firm against these grave offenses, which strikes at the very core of our shared humanity.

Mr. Chairman,

We fully recognize the gravity of crimes against humanity, encompassing a range of acts that are nothing short of shocking to the conscience of humanity. Acts like genocide, war crimes, and crimes against civilians cause immeasurable suffering and violate the very essence of what makes us human, setting us apart from other living beings.

In considering the definitions of crimes against humanity. I thought we need to give some thought to the process of attributing conduct which labels someone *hostis generis humanis* meaning 'enemies of humanity' for the reason that this classification rises from the substantive character of the evils the criminal inflicts. The expression *hostis* is substantive, and not jurisdictional, says the academics. Therefore it gives rise to ambiguity; the first ambiguity that we identify is whether the expression is substantive or jurisdictional as a concept. The academics seem to suggest that the word enemy is the language of "war", not 'law'. They say that word crime is part of 'legal parlance. The third possibility they say that such *hostes* is to be treated as neither adversary nor criminal and therefore is not entitled to the rights of belligerents or criminal defendants. What then are they then entitled to; punishment, or extermination.

We are warned that any existing political group that claims to speak in the name of humanity would be acting in a manner repugnant to all tenets of law by denying its enemies the quality of being human; we must take that warning to heart, academia is of the view that in the final analysis we are getting closer towards what Cicero meant; a universal or cosmopolitan community, a unified community that transcends all differences.

Mr. Chairman, the enemy of all humanity is someone who assaults our-nature as political beings through tyrannical and cruel conduct ; that it is worth calling him to account. Universal jurisdiction, therefore does not rest on the hostes's location outside of the territorial jurisdiction of states . Establishing such a jurisdiction is what we are engaged in, it is one in which we simultaneously establish a practice of accountability and create norms against radical evil to which anyone, including heads of state may be held to account. The academics put it very succinctly when they say that it is a call to the enemy of all humanity to account before humane law, using fair procedures, to re-claim him for humanity, and to the affirm humanity

Mr. Chairman,

In light of our own nation's experience with protracted conflict and the subsequent process of reconciliation, Sri Lanka understands the complex challenges in addressing crimes against humanity. We have embarked on a journey towards healing, accountability, and national unity. This path has not been without its difficulties, but we remain steadfast in our commitment to justice and reconciliation. In this process, we also emphasize the importance of respecting the sovereignty, territorial integrity, and the right to self-determination of nations.

Mr. Chairman

Sri Lanka actively participated in the recently concluded resumed session of the sixth committee, focusing on the draft articles presented by the International Law Commission concerning the prevention and punishment of crimes against humanity. We highly value the diverse perspectives and insights shared by fellow member states during the session. We remain committed to this critical topic, and ready to engage further in the discussion on the draft articles during the next session in April 2024. We believe that these discussions provide an invaluable platform to refine and strengthen our collective commitment to combating crimes against humanity.

Mr. Chairman,

In conclusion, let us remember that the fight against crimes against humanity is not just a legal obligation but a moral imperative. It is a collective endeavor that requires us to work hand in hand tirelessly towards justice, accountability, and reconciliation. It is only through these united efforts that we can contribute to a world where such heinous acts are eradicated, and peace and humanity prevail. Sri Lanka remains steadfast in its commitment to this noble cause.

I thank you.