

DRAFT STATEMENT

6th COMMITTEE RESUMED SESSION OF THE 78th SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, 01st APRIL 2024

Mr. Chair

I have the honour to speak on behalf of the African Group.

Mr. Chair, in its resolution 77/249 of December 30, 2022, the General Assembly not only took note of the draft articles on prevention and punishment of crimes against humanity, it also decided that the Sixth Committee would resume its session in April 2023 and 2024, 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.

This is a clear manifestation of our collective will to prevent and punish crimes against humanity, which are amongst the most serious crimes that affect the international community, deeply shock the conscience of humanity and endanger the cohesion of society.

The African Group welcomes the convening of the resumed session for the exchange of substantive views aimed at achieving the necessary consensus towards a decision on the matter. This is without prejudice to the question of their future adoption or other appropriate action.

Mr. Chair,

While the draft articles adopted on second reading by the ILC may constitute a potential basis for our consideration on the subject, the legitimate concerns raised by many States during the 78th session of the General Assembly held in October, 2023 should be given due consideration. The African group wishes to restate that the ongoing discussion should accommodate the cultural specificities and geographical realities of member States and their legitimate concerns.

The African Group ready to constructively engage, in meaningful and substantive discussions, with the focus on building consensus.

The African Group Member States is available to engage in meaningful and substantive discussions with the focus on building consensus. The African Group reiterates its concerns about ILC's attempt/decision to review some provisions borrowed from other internationally binding instruments in a manner inconsistent with their initial intention.

Further, the African Group recalls the negative impacts of the historical, past tragedies of the slave trade, slavery and exploitation including on the African continent as one of the highest forms of crimes against mankind. We continue to note the vestiges and consequences of, for instance the Transatlantic Slave Trade, which continue to affect the continent and people of African descent. It is in this context that we call for the inclusion of slave trade and slavery as a crime against humanity.

Similarly, the fundamental legal concepts of historical importance to African Member States, such as the principle of territorial integrity, sovereign equality, and non-interference in the internal affairs of states enshrined in the UN Charter should be explicitly mentioned in the draft articles, given the horizontal nature of the articles and we also warn against the double standards and the selective approach to justice as they erode the international law order.

In this context, the African Group takes note of the Security Council Resolution 2728 and also expresses grave concern regarding the warnings by United Nations Special Rapporteurs of an “unfolding genocide” in the Gaza Strip and calls for halt or end of attacks on ALL civilians in this conflict, for the protection of the civilians in accordance with international law, including humanitarian and human rights law, and for an immediate humanitarian ceasefire towards the achievement of a permanent and sustained cessation of hostilities.

The African group would like to stress the need for international cooperation in combatting crimes against humanity. The priority

should be given to bilateral aspects in the areas of mutual legal assistance like extradition. Extradition and mutual assistance should be based on bilateral treaties, which take into account the respective national legislation.

The general obligations of States should be linked first to national laws and then to obligations freely entered into under the mechanisms provided for by international law in order to ensure that these obligations comply with the spirit and letter of international law. Further, the prohibition to engaging in acts constituting CAH must be precise and formulated within the capacity of the State to punish.

To conclude, the African Group shares the view that, to effectively combat impunity, more efforts should be exerted in line with accepted and applicable international legal instruments. Even though there are still many concerns to consider (One that enables the prosecution of perpetrators by focusing on the development and strengthening of national capacities in the fields of investigation and prosecutions.)

Therefore, we should continue to engage positively in an inclusive, open, and transparent debate at this resumed session. This session should focus on all elements that can be discussed to shape consensus on a common understanding of crimes against humanity.

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I thank you for your kind attention.