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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.
2 April 2024**

Thank you Chair,

I asked for the floor to make intervention relevant to the designated cluster for today.

I also, once again, commend the ILC for availing the draft articles and the commentaries that inform our discussion.

It is to be noted that all the crimes provided under article 2 constitute a criminal act under most if not all legal regimes and international treaties. What transforms these crimes to that of crime against humanity is the severity and systemic nature of their commission. It is on this basis we consider crime against humanity has a nature of a second layer offence. Accordingly, we are of the view that the definition of the crime is susceptible for political subjectivity, and hence requires a delicate work of legislative balancing.

Second, the first paragraph of draft article 2 defines crimes against humanity as 'acts committed as part of a widespread or systemic attack.' However, the disjunctive criterion may lead to an overly broad and politically motivated interpretation. On top of this, the alternative requirement may risk diminishing the severity and essence of the crime.

Third, the first two paragraphs of draft article 2 that establish a definition of 'crime against humanity' take on the list provided under Article 7 of the Rome Statute. My delegation is mindful that paragraph 3 includes a 'without prejudice' clause, which ensures that this definition does not supersede or limit broader definitions provided in international treaties, or national legislation. However, this approaches are a reason for my delegation to reaffirm our position on the absence of a need to have yet another treaty on the matter while, the Rome Statute and the other treaties have adequate provisions applicable on their respective state parties.

Mr. Chair,

During the last session, my delegation specifically emphasized that the definition clause must be harmonized with the non-retroactivity provision, in a manner that do not prejudice accountability and remedies, including reparations, for all international crimes, atrocities, and crimes against humanity committed as part of, or antecedent to, or to sustain policies of colonization, apartheid, pillaging of resources, aggression, racial segregation, or foreign occupation. My delegation would like to reiterate its position that not including the abovementioned crimes that shocked the conscience of humanity and continue to impede overall generational and human progress will amount to a serious shortfall.

My delegation strongly believes that combating impunity and ensuring accountability for crimes against humanity is necessary regardless of where and when they occur. Accordingly, the draft articles should be re-examined to address the inclusion of these heinous crimes, which are equally relevant. Failure to do so will lead to accusations of hypocrisy, double standards, selective norm development, and politicization of international law, ultimately resulting in fragmentation of these laws and systems.

Thank you Chair!