

Check against delivery

**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  
3 April 2024**

**Thank you, Chair,**

My delegation appreciates the creative format we are following in this session including the mini-debate format where delegations are availed with more space where the insightful contributions on the topic are made.

I would like to reflect on three points, that are relevant for the cluster under discussion today.

First, we do share concerns raised by some delegations in previous deliberations regarding the draft article 6 that it is inappropriate to require States to criminalize crimes against humanity in accordance with the exact definition contained in draft article 2. States have discretion to take into account, inter alia, their national legal systems and customary international law. It would suffice to state general principles on attribution and give states the margin of appreciation on determining culpability.

Second, like many other delegations, Ethiopia's Constitution has a dedicated provision on crimes against humanity. Accordingly, Criminal liability of persons who commit crimes against humanity, so defined by international agreements ratified by Ethiopia and by other domestic laws, shall not be barred by statute of limitation. In addition, such offences may not be commuted by amnesty or pardon of the legislature or any other state organ. In this connection we see the provision in the draft articles on statute of limitation a positive light. We, once again, call on the ILC to explore prevailing state practices in the area of pardon and amnesty.

**On the issue of jurisdiction**

We see in a positive light the provisions of the draft articles on undertakings by states to prevent and punish crimes against humanity and extend cooperation to

one another on investigation. Ethiopia's criminal code, also provides for a modified form of universal jurisdiction over international crimes. Accordingly, a person that commits a crime against international law or an international crime specified in Ethiopian legislation, or an international treaty or a convention to which Ethiopia has adhered, is liable for trial in Ethiopia. Crime Against humanity falls within this category.

Nevertheless, mutual legal assistance in the field is enforced through bilateral, regional and other related international treaties. We believe, mutual legal assistance and cooperation on the basis of voluntary undertaking of the states concerned is the most effective and lawful avenue.

This said, we believe the principle on immunity of state officials against foreign jurisdiction and non-interference in internal affairs of states must be fully respected and we seek to see a clear provision to this effect in the draft articles. We have several instances where universal jurisdiction is abused to achieve a political end, against African countries. We therefore hesitate to formalize or codify any practice as a standard practice in this regard.

**Finally, Chair,**

Notwithstanding this, we follow the discussions in this committee very closely and with interest. Consistent with this policy position, Ethiopia believes the draft articles under discussion must be centered around national laws, investigation, prosecution and judicial processes at the national level.

**Thank you!**