



REPUBLIC OF UGANDA

**STATEMENT
BY**

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ON BEHALF OF THE AFRICAN GROUP
AGENDA ITEM 80
“CRIMES AGAINST HUMANITY”**

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[Please check against delivery]

Mr. Chair

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

Mr. Chair,

1. Pursuant to General Assembly resolution 77/249 of December 30, 2022, the Sixth Committee successfully held the two resumed sessions in April 2023 and again in 2024, the purpose of which was to exchange substantive views, including in an interactive format on all aspects of the International Law Commission's Draft Articles on prevention and punishment of crimes against humanity. Additionally, the Sessions considered the recommendation of the Commission.

2. In demonstrating its clear manifestation and commitment to the 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 welcomed the convening of the resumed sessions for the exchange of substantive views aimed at achieving the necessary consensus towards a decision on the matter. This was without prejudice to the question of their future adoption or other appropriate action.

Mr. Chair,

3. As previously stated, 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, both individually and as part of the regional groups during the 78th session of the General Assembly held in October 2023 as well as in the two resumed Sessions, should be given due consideration. The African Group reiterates that any further action and ongoing discussions on this matter should take cognizance of the historical injustices, cultural specificities, geographical and political realities of Member States and their legitimate concerns.

4. We recognise the fundamental importance of this process, and it is for that reason that the African Group reiterates its readiness to constructively engage, in meaningful and substantive discussions, with the focus on building consensus not only on the draft Articles but the process to be adopted following the resumed Sessions. We call for a fair, inclusive and transparent process premised on the established principle of consensus.

5. For the African Group, an inclusive process –is a process reflective of the injustices of the past which are still a reality disguised differently in modernisation as reflected in the comments of the African Group and the individual African States made during the two Resumed Sessions. A transparent process is a process where the concerns raised by the African group and all regions affected by ~~the~~ crimes against humanity are duly reflected. Such a process should also address contemporary forms of crime and threats, including conduct ~~those~~ emanating from emerging technologies that have the potential to cause mass human victimisation.

6. The Group recalls the negative impact of historical atrocities, unilateral coercive measures and crimes, especially, slavery, slave trade, colonialism, apartheid, racial segregation and subjugation, and the exploitation of resources and other heinous acts, associated with these crimes, that denied and violated the humanity of its victims as one of the highest forms of crimes against humankind. To this day, we continue to experience the vestiges and consequences of, for instance—the Transatlantic Slave Trade and racial discrimination, which continue to affect the continent and people of African descent. It is in this context that we continue to call for the admissions of responsibility for slavery and the slave trade as well as all other practices threatening the future and perpetuation of human kind and their continuing consequences. We reiterate our call for the inclusion of these crimes as crimes against humanity as the prohibition of these crimes is inalienable and imprescriptible.

7. 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. We also caution against the double standards and the selective approach to justice as they erode international law order.

Mr. Chair,

8. 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.

9. In this context, the African Group calls for halt or end of attacks on ALL civilians in all conflicts, 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.

10. The African group recognizes the need for international cooperation in combating crimes against humanity. Such cooperation should be undertaken in accordance with applicable rules of international law relating to immunities. The priority should be given to bilateral aspects in the areas of mutual legal assistance like extradition. Extradition and mutual legal assistance should be based on bilateral, regional and multilateral treaties applicable to the relevant parties and which take into account the respective national legislation.

11. 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 Crimes Against Humanity must be precise and formulated within the capacity of the State to punish.

12. To conclude, the African Group shares the view that, to effectively combat impunity, more efforts should be exerted in line with widely accepted and applicable international legal instruments. Even though there are still many concerns to consider, we should always endeavour for the attainment of international instruments that are universally acceptable and the ownership of which resonates with the principles and values of the States that will eventually be their implementers.

I thank you for your kind attention.