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البعثة الدائمة لدولة إريتريا لدى
الأمم المتحدة
نيويورك

**PERMANENT MISSION OF THE STATE OF ERITREA TO THE UNITED NATIONS
NEW YORK**

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STATEMENT DELIVERED BY THE DELEGATION OF ERITREA

SIXTH COMMITTEE

79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

AGENDA ITEM 80: "CRIMES AGAINST HUMANITY"

9-10 OCTOBER 2024, NEW YORK

Mr. Chair,

Distinguished delegates,

My delegation aligns itself with the statement delivered by Uganda on behalf of the African Group.

Eritrea strongly values its sovereignty and the capacity of its national institutions to deliver justice for all its citizens. Eritrea also holds that it is imperative to ensure accountability and put an end to impunity of the most heinous international crimes, so that everyone can live in a more just, peaceful and equal world. Eritrea takes note of the International Law Commission's (ILC) Draft Articles on the prevention and punishment of crimes against humanity as an important step in this regard.

Nonetheless, my delegation is apprehensive of the present text on many points, which we have expressed in detail during the Sixth Committee resumed sessions in 2023 and 2024. We note with concern the inconsistencies in the commentaries, as well as the selective nature of the Draft Articles regarding the codification of existing law and the progressive development of international law, irrespective of parallel discussions.

Mr. Chair,

We often hear the expression 'Never Again', by delegations from some States, in reference to the noble goal of ensuring accountability for the gravest violations of international law, including crimes committed against humanity. However, the unfortunate reality is that we have witnessed, time and again, how little weight those words hold to the very delegations that chant it the loudest. This is a reflection of a lopsided pursuit of justice.

Eritrea finds this disparity deeply troubling and categorically rejects the hypocrisy and the pervasive double standards in the application of international criminal justice. Let me be clear, this is not a rejection of international justice but a calibrated demand for its fair and impartial application. Selective justice is, in fact, an injustice in its own right. When international law is applied unevenly, it profoundly affects the credibility, fairness and effectiveness of the international legal frameworks that were established to uphold justice, accountability, and the rule of law. It loses its moral authority and risks becoming a tool of political influence rather than a guarantor of justice.

It is in this context that my delegation notes with concern the expanding practice of exercising universal jurisdiction within domestic laws, while the issue of selective justice, conversely, remains persistent. We see the constant 'deprioritization' of crimes committed by some States and nationals while prioritizing alleged crimes committed by 'others'. We reject a practice where international law appears to be limited in its application or relevance to those of discredited past regimes and/or foreigners from States that are considered relatively weak or do not impose substantial diplomatic, economic or political costs to the political branches of the prosecuting State.

Mr. Chair,

Eritrea acknowledges the ILC's intent to establish an additional component in the current international legal framework by adopting and harmonizing national laws. However, it is exactly this horizontal nature together with the legally ambiguous language of the Draft Articles and the omission of critical principles under international law, that concerns my delegation.

We question whether they would serve the purpose for which they are desirable and whether they would not become yet another archetype of selective justice.

Regrettably, we note the impetuous proceeding by some delegations in this regard, altered so as to not lose its chance of passage, while there remains an overwhelming divergence of views on the most key elements of the ILC's Draft Articles, such as the definition of crimes against humanity and the contextual requirements. In light of such diverging views, my delegation urges the Sixth Committee to proceed in a prudent manner. We underline that moving forward in the context of treaty negotiations based on the present draft articles would be very difficult and a significant concession for many States.

Let us, therefore, address these imbalances first and work together to improve the substance of the Draft Articles. This way we will have a text that enjoys wide support and is adopted on the basis of consensus.

Mr. Chair,

To conclude, Eritrea remains committed to the principle of international justice through a system that truly serves all people, regardless of nationality. We encourage continuing constructive discussions on the prevention and punishment of crimes against humanity, in line with the consensus-based tradition of the Sixth Committee as we are keenly committed in having a widely acceptable, unambiguous consolidated set of Draft Articles that will serve its true intentions.

I Thank you.