

STATEMENT

BY

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**REPRRESENTATIVE OF THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA**

AT

**THE 79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
UNDER AGENDA ITEM 80**

“CRIME AGAINST HUMANITY”

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Thank you, Mr. Chairperson,

Ethiopia aligns itself with the statements delivered on behalf of the Africa Group.

Without prejudice to the future appropriate action on the draft articles, Ethiopia recognizes the convening of the two resumed sessions for the exchange of substantive views and discussions.

Crimes against humanity albeit the lack of consensual legal definition are the most egregious crimes that must be put to an end and prevented.

Ethiopia takes such crimes very seriously and is constitutionally recognized as punishable acts. In accordance of article 28 of the Ethiopia's Constitution promulgated in 1995, crimes against humanity are defined as accepted by international agreements ratified by Ethiopia and by other laws of Ethiopia,

Accordingly, Criminal liability of persons who committed crimes against humanity, are not barred by statute of limitation. Such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.

Mr. Chairperson,

On the draft articles of the ILC, Ethiopia reiterates its position on the need for further discussion on the draft articles discussed during the recent sessions. From the preamble to the sustentative articles, the concerns of many delegations should be taken in to consideration for further deliberations. In this vein, I would like to mention Ethiopia's view on the need to incorporate crimes that were committed as part of the policies of colonization, slavery and apartheid. As well as exploitation of natural resources without proper legal frameworks.

For example, on the preamble, the draft assumes the prohibition of crimes against humanity as a peremptory norm of general international law (*jus cogens*), without general agreement of the legal definition of those crimes and recognizes the Rome statute as a legitimate base to define such crimes while many countries do not recognize the statute itself. Such predefined positions alerts questions to my delegation on the need to having a treaty on crimes against humanity,

We tend to believe that existing human rights, humanitarian laws and other treaties as well as domestic criminal laws avail the necessary legal basis for prosecution of crimes against humanity. To the extent legal gaps are observed, they are to be addressed by national legislations and institutional mechanisms.

In fighting against impunity, it is necessary to have a strong legal framework that aligns with universally accepted international legal instruments. This framework should allow for the successful prosecution of those responsible, and it should prioritize the enhancement of national capabilities in investigation and prosecution.

We strongly agree with the assertion that it is the duty of every State to exercise its criminal jurisdiction on crimes against humanity.

Furthermore, we recognize crime against humanity, considering its nature as a second layer offence is susceptible for political subjectivity, and hence requires a delicate work of legislative balancing. The reference to the international criminal court or its constitutive statute that is not accepted by more than one third of the UN membership also complicates the discussion and undermines consensus.

Like a number of other UN Member States, Ethiopia is not a party to the Rome Statute. We believe criminal law and criminal justice policy is within the ambit of national jurisdiction. Even though we strongly believe that crimes against

humanity must not go unpunished, the prosecution and punishment regimes of such crimes must be left at the national level.

International tribunals when established must be ad-hoc and designated for specific cases based on the consent of the state/states concerned. Furthermore, my delegation would like to express our strong reservation on the court's consistent discriminatory practice that violates immunity of state officials and the selective approaches that goes against sovereign equality of states and resolution of peace and security challenges.

Finally, Mr. Chairperson, Ethiopia believes that the draft articles should be designed as forward looking to administer recent and future crimes such as cybercrimes and crimes emanating from emerging technologies with the aim of putting in place guiding international standards for every State to exercise its criminal jurisdiction on crimes against humanity and for the purposes of mutual legal assistance and extradition agreements. In view of this, my delegation will be constructively engaging in the discussion on this agenda item.

Thank you