

STATEMENT DELIVERED BY THE DELEGATION OF ERITREA  
SIXTH COMMITTEE RESUMED 78<sup>TH</sup> SESSION OF THE UNITED NATIONS  
GENERAL ASSEMBLY  
AGENDA ITEM 80: "CRIMES AGAINST HUMANITY", THEMATIC CLUSTER I  
1-5 AND 11 APRIL 2024, NEW YORK

Thank you Mr./Madam Chair ,

Crimes against humanity are among the most serious crimes under international law and their scourge afflicts every region of the world. Eritrea, therefore, wishes to seize this opportunity to  
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(ILC) Draft Articles that address the prevention and punishment of crimes against humanity,

Paragraph should also make an explicit reference to the immunity of the State and its officials from foreign criminal jurisdiction.

Regarding paragraph 4 , without prejudice to the ILC work on this topic, we believe that the identification of *jus cogens* norms (and their legal consequences) should be done systematically and in accordance with a generally accepted methodology. We are mindful of the discussions R Y H U W K H , / & ¶ V Z R U N R Q W K L V W R S L F D Q G W K H U H I R U H E H O L H Y H

In order to ensure the broadest acceptance of the Draft Articles, it is important for the provisions to reflect widely accepted principles of international law. The definition of crimes against humanity in paragraph 7 follows the definition in the Rome Statute, which is a treaty that is not universally recognized. By considering this in the preamble, the rights of non-state parties are compromised.

Chair,

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international legal framework by adopting and harmonizing national laws, however, notwithstanding their merits, the Draft Articles remain legally ambiguous.

The purported universality reflected in the present Draft Articles is demonstrated to result more so in selectivity rather than egalitarianism. Eritrea reiterates its condemnation of double standards concerning the rule of law at the international level, particularly in international criminal law. Unfortunately, history and current events have demonstrated universal jurisdiction is not being applied universally.

Unless exceptionalism, double and normative standards are addressed, the international community cannot prevent a new treaty from becoming yet another archetype of selective justice. This process starts with collectively determining what constitutes the most serious international crimes, which in itself has never been a neutral endeavor.

Chair,

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of crimes against humanity. Considering the divergence of views among States, Eritrea asserts it is premature to engage in negotiations on the Draft Articles. It is important to first build a universal consensus on implementing an unambiguous framework without selectivity, politicization, or double standards.

I thank you.