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Madam/Mr Chair,

The UAE ZLVKHV WR GLUHFW LWV UHPDUNV WR WKH WRSLF RI WK & ULPLQDO -XULVGLFWLRQ.

The UAE takes this opportunity to thank the Special Rapporteur, Mr Claudio Grossman Guiloff, for his first report and the Commission for its further consideration of the topic. This is a matter of great importance to the work of the Commission and to international law in general. We fully concur with the view that the immunity of State officials implicates the very foundations of international law, and is crucial to the principle of sovereign equality and the facilitation of international relations.

It is in this spirit that the UAE provided its written comments on the draft articles in December 2023 and continues to constructively engage in this process.

The UAE, like all States, has a particular interest in clarifying the existing law applicable to the immunities of State officials from foreign criminal jurisdiction; it will assist States in navigating this complex and intricate legal field, ultimately contributing to the stability of international relations as well as the fight against impunity. This clarification is imperative in light of the diverging views on this topic that have emerged among States, and even within the Commission.

Madam/Mr Chair,

Turning to the & RPPLV VLRQ ¶ V ZRUN -GFKJLSSJN, the UAE supports the proposal to clarify the distinction between immunity from the exercise of criminal jurisdiction on the one hand and inviolability on the other in the commentary to draft article 1. By clarifying their relationship, the commentary would better anticipate the practicalities surrounding the treatment of officials that enjoy different forms of protection.

Turning to draft article 2, the UAE wishes to restate its position that this provision would benefit from additional clarity. In particular, the commentary should further clarify what would constitute an ¶ DFW SHUIRUPHG LQ DQ RIILFLDO FDS ¶ DFDLW, the Commission should note that the law and practice of the State of the official should be taken into account in determining whether an act is to be considered one performed in an official capacity. This would mirror the commentary on WKH GHILQLWLRQ RI ¶ 6WDWH R ¶ HSLUDJH. XQG HU overall coherency of these definitions, which are interdependent.

The UAE also welcomes the proposal to provide further explanation on the relationship between the rules of attribution under the Law of State Responsibility and the immunity of State officials. These concepts are indisputably linked and we note that this connection has been stressed by a number of States, as well as within the Commission. It is our view that, in principle, sovereign equality precludes the possibility of circumventing 6WDWHV ¶ LPPXQLWLHV E\ VXEMH act on their behalf to foreign domestic proceedings.

In this context, the UAE encourages the Commission to devote special attention to the question of *ultra vires* conduct, which the commentary appears to identify as acts of a purely private nature. As detailed in our written comments, the commentary to draft article 2 departs from the way in which *ultra vires*

Madam/Mr Chair,

With respect to draft article 3 concerning personal immunity, the UAE regrettably notes that no amendments have been made to the text adopted by the Commission on its first reading. While the 8 \$ ( ¶ V S R V L W L R Q L Q W K L V U i H W E r C o m m e n t s X w Q o i s h t o H i g h l i g h t W H G L Q of our major concerns.

First, the UAE reiterates its support for the position that immunity *ratione personae* should extend beyond Heads of States, Heads of Government and Ministers of Foreign Affairs. The UAE maintains its position that the current formulation of draft article 3 fails to properly reflect the views of the International Court of Justice and does not accurately capture the very rationale of the immunity *ratione personae* Z K L F K L V W R S U H p r e d g a t i v e s W K o n d u c i n g D S W H ¶ international relations.

Second and U H O D W H G O \ Z K L O H U H J L V W H p r o p o s a l t o a d d t h e H e a d s O 5 D S S R de facto leaders under draft article 2, we consider that draft article 3 remains the natural place for this exercise.

Finally, the UAE notes with appreciation that the forthcoming report of the Special Rapporteur will consider draft articles 7 through 18. We hope to see constructive engagement with our concerns in respect of these draft provisions, as reflected in our written comments of December 2023, in that report.

In conclusion, Madam/Mr Chair,

The UAE is grateful for the efforts of the Special Rapporteur and the Commission on such an important and delicate topic, and 4 ( 3 1 a 7 ( T J E T Q 7 2 r e W \* n B T / F 5 1 2 T f 1 0 0 1 7 2 . 1 7 7 . 5 T m 0 g 0 G ( v ) 2 7 ( 2 8 ( 2 8 (