

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



The Permanent Mission of the Hashemite Kingdom of Jordan
to the United Nations
New York

THE HASHEMITE KINGDOM OF JORDAN

STATEMENT

BEFORE THE RESUMED SESSION OF

THE SIXTH COMMITTEE ON

CRIMES AGAINST HUMANITY CLUSTER 2

DELIVERED BY NADINE BISHARAT

Mr. Chair,

- Jordan supports the ILC's decision to draw from the definition of crimes against humanity in the Rome Statute as the basis for draft article 2. We acknowledge that not all UN Member States are party to the Rome Statute but are cognizant of the advantages of utilizing its definition. The jurisprudence and developments in international criminal law on crimes against humanity, since Nuremberg and Tokyo tribunals through the international Criminal Tribunals for the Former Yugoslavia and Rwanda are embodied in such a definition. Such a definition is the most

authoritative especially with regards to the substantive elements contained therein. As well as the description of the types of crimes contained in subparagraph 2 of the Article.

- Jordan supports the drafting of the chapeau requirement that the acts must be committed as part of a ‘widespread or systemic attack’ that is, as disjunctive rather than conjunctive requirements.
- Jordan reiterates its call made during the April 2023 resumed session of the 6C supporting the inclusion of draft paragraph (3) as a “non-prejudice clause”, which clarifies that, should the Convention be

adopted, States Parties would retain the flexibility to include broader elements within their national jurisdiction and the development of the legal regime , in addition to binding treaty obligations, without imposing any additional obligations on other States Parties. Paragraph 3 guarantees that any development in international Law concerning CAH will not be prejudiced or restricted by the definition under Article 2

- On draft article three, Jordan is of the view that paragraph one is not necessary, and in fact may be counterintuitive. It is individuals - not states- which

commit crimes against humanity. And while the paragraph seeks to avoid giving the impression of States committing international crimes, the language used provides the same outcome.

- Therefore, we suggest deleting this paragraph which is inconsistent with the core of the draft articles as a law enforcement instrument against the individual perpetrators of the crimes. We do not want to be in a situation where judges in a national court or a prosecutor bring charges against a foreign State on the basis of the draft articles.

- On the other hand, we are of the view that paragraph two sets out the general obligations on each state i.e. to prevent and punish crimes against humanity in all circumstances, including armed conflict.
- The assertion in the paragraph that crimes against humanity are crimes against international law reflects the customary international law characterization of the crimes, which produces legal consequences arising from their prohibition being a peremptory norm of general international law.

- The first paragraph of article 4 contains a clear description of scope of the obligation to prevent, as it is limited to any territory under a state's jurisdiction. We believe that the due diligence required to prevent crimes against humanity is higher where a state has impact over individuals that are on a territory under its jurisdiction.
- We stress that a state may only adopt such measures that are lawful under international law. We are of the view that effective preventative measures should be implemented including through appropriate legislations that incriminate the acts

and provide deterring punishments. During armed conflicts and situations of occupation, the parties to the conflict and the occupying power must ensure that their armed forces are subject to such preventative measures as necessary, and ensure compliance. Military codes should contain specific prohibitions, obligations, and punishments towards the commission of crimes against humanity.

- While the duty of cooperation contained in paragraph B of the article is important, we reiterate our view that there is a need to specify what this duty entails towards intergovernmental

organization, and other organizations. As we mention on the previous session the draft articles should be more clear on this aspect, otherwise it will be a source of contention between States and such organizations.

Thank you.