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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,

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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

adopted, States Parties would retain the flexibility to include broader elements within their national jurisdiction

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.

The first paragraph of article 4 contains a clear description of scope of the obligation to prevent, as

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.