

Statement on behalf of the Hashemite Kingdom of Jordan
By
H.E. Mahmoud Daifallah Hmoud
Before the Sixth Committee of the 76th Session
of the United Nations General Assembly
On the item
"Crimes Against Humanity"

Thank you Madam Chair,

Jordan would like to express its appreciation for the international law commission and SR Mr. Sean Murphey for their efforts that culminated in producing the set of draft articles on Crimes Against Humanity.

We believe that the text of the draft articles serves an important purpose of complementing the regime of international legal instruments aiming to combat the most serious international crimes.

Since the Nuremberg trials, the international community has strived to bring those committing Crimes Against Humanity to justice. Unfortunately, there were several impediments to such efforts, including the lack of clear political will, the absence of an effective legal instrument on the inter-state level to regulate international cooperation and the inconsistency in national

legislations that punish the commission of such crimes. Even with the establishment of the International Criminal Court, most states do not have an adequate national legal structure to deal with CAH.

Madam, chair,

The ILC draft articles purport to address this issue by providing a comprehensive treaty regime, a regime that defines the crimes against humanity, harmonizes national legislations, establishes national jurisdiction over the crimes, facilitates inter-state cooperation, and ensures prosecution through application of the principle of *aut dedere aut judicare*. Most importantly, it creates a duty on states to prevent and punish.

Such a regime does not conflict with treaty obligations that a state party may have, including obligations arising under the Rome Statute of the ICC. On the contrary, it strengthens the ability of the ICC to fight impunity without imposing on non-parties to the proposed instrument obligations that do not exist towards the court.

Madam chair,

Jordan is not convinced by arguments made opposing the adoption of the draft articles in a treaty form. The definition of

CAH contained in the draft articles reflect existing practice that was established for decades since the Nuremburg trials, including through case law of the ICTY, ICTR and national legislations and courts decisions. The fact that the definition follows closely that contained in the Rome Statute is an attestation of this definition being well-established under international law. At the same time, the draft articles do not prejudice future development regarding the definition and allow national legislation to provide for wider protection.

The draft articles do not prejudice immunities under international law to the extent that such immunities exist. The draft articles do not go beyond what is provided for in other bilateral and multilateral instruments on this matter, including the 1948 Genocide Convention, the 1985 convention against torture, etc.

As is any other draft treaty or convention being adopted, the draft articles on CAH contain both obligations based on State practice and developing new obligations. No treaty or convention is purely based on existing State practice. It is up for the negotiating State to determine the scope of the obligations under the proposed treaty or convention.

Based on the above, Jordan supports the adoption of a convention on crimes against humanity on the basis on the ILC draft articles, whether through the general assembly or a diplomatic conference. To this end, we agree on the establishment of an ad-hoc committee to discuss the text and procedure for adoption as soon as possible.