

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 3

DELIVERED BY NADINE BISHARAT

Mr. Chair,

I would like to thank you for giving me the floor to convey Jordan's comments on the articles pertaining to criminalization under national measures. Those provisions are essential for the implementation of the legal regime contained in the draft articles in the national legal systems, thus giving effect to the obligations therein.

Jordan reiterates its position that the effective criminalization of crimes against humanity is necessary to ensure effective protection against CAH, and the efficacy of the draft articles on prevention and punishment of the crimes. The provisions relating to the establishment of national jurisdiction over crimes against humanity in domestic

legal systems are based on various treaties and relevant customary rules. Accountability for the commission of crimes against humanity and criminalization on the national level are interlinked.

We Join others in affirming that incitement to commit or threat to commit crimes against humanity, directly or indirectly, is a well-established form of liability under international criminal law and we call for its inclusion in Article 6(2).

We are of the view that paragraphs 3 and 4 of Article 6, which entail the responsibility of commanders and subordinates, reflect customary rules and the developments in international criminal jurisprudence. However, Jordan reiterates its view that the Sixth committee may wish to discuss whether

the term “had reason to know” is sufficiently clear and whether an objective or subjective test should apply to the knowledge.

On the establishment of national jurisdiction: Jordan welcomes the inclusion of paragraph two in Article 7 as an effective tool to bring the perpetrators of crimes against humanity to justice.

To require a state to either extradite or establish jurisdiction over an alleged offender who is present in its territory would ensure that such perpetrators will have less safe havens.

In relation to Article 8, we are of the view that “an act” instead of “acts” is more appropriate. A single widespread or systematic act against any civilian population would indeed constitute a crime against humanity.

As for Article 10 on “aut dedere aut judicare”. It is important to note that the implementation of this obligation should be consistent with that State's other obligations under international law.

Thank you