

Jordan



PERMANENT MISSION OF H.K. OF JORDAN TO THE UNITED NATIONS

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Statement

by

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to the United Nations**

before the Security Council

**Letter dated 6 June 2003 from the Permanent Representatives
of Canada, Jordan, Liechtenstein, New Zealand, and
Switzerland to the United Nations addressed to the President
of the Security Council (S/2003/620)**

New York, 12 June 2003

Mr. President,

At the outset, I would like to congratulate you on your assumption of the presidency of the Security Council for this month and wish you every success in discharging the task with which you have been entrusted. We have every confidence in your ability to fulfill your responsibilities. I would also like to thank the Permanent Representative of Pakistan, H.E. Ambassador Munir Akram, for his distinguished efforts as President of the Council during the month of May.

Mr. President,

On 16 June, four days from now, the first Chief Prosecutor of the International Criminal Court (ICC) will be sworn in at a ceremony in The Hague. It will crown what has been an exceptional year for the Court and its establishment; beginning with the entry into force of the Rome statute on 1 July 2002, followed two months later by the convening of the inaugural session of the Assembly of States Parties, the election of the first eighteen judges of the Court in February of this year and the election of the Court's President and two Vice Presidents at the inauguration of the Court held in The Hague only three months ago, in the presence of Her Majesty Queen Beatrix of the Kingdom of the Netherlands, Secretary-General Kofi Annan, and a large ministerial gathering from the states parties and beyond.

Mr. President,

The Court now has an address, a leadership and core personnel, and the number of states who have acceded to the Rome Statute continues to rise. The ICC has been the recipient of an excess of 200 letters and claims and will, in due course, begin to function fully, once the registrar has been appointed and the office of the prosecutor is staffed.

It is in this overall context, with the final piecing together by some ninety member states, and growing, of what we hold to be a more enlightened approach in addressing the excesses of humankind's regular passage to brutality, that the Security Council now wishes to review Security Council 1422.

Mr. President,

We, as a state party, are mindful of the tensions and compressions the Council has been through over the last ten months, and we would not wish to create any further discomfort for the Council. While it is likely the draft resolution now before you will be passed shortly, and we take note of this, we remain equally convinced the Council should in due course reconsider repeating taking such a decision.

For we are still concerned over how this resolution has attempted to elevate an entire category of people to a point above the law; a feeling sharpened still further when thought is given to the revolting nature of the crimes covered by the Court's jurisdiction. The resolution is, therefore, in our assessment a misapplication of Article 16, and a contravention of the Statute. It does not relate to any particular political situation being seized of by the Council, and the Council's interpretation of Article 16 does not accord with the drafting history of the said article. The resolution also reverses the default position established by the Rome statute over which body -- the Court or the Council -- has first treatment of individual criminal cases with relevance to "current or former officials or personnel [from a non-state party] over acts or omission relating to a United Nations established or authorized operation." Thus, we join others, in believing the Council should not be rewriting treaties previously negotiated by all states comprising the entire international community. The implications of this practice are obvious to all here today.

Mr. President,

The International Criminal Court will soon become our permanent conscience, where individual criminal responsibility is concerned. The Court will reside permanently in the background, deferring to the national jurisdictions of those states who are willing and able to investigate claims and prosecute those accused of perpetrating the offenses enumerated in the Rome statute, and it will only come to the fore and itself exercise jurisdiction when those states who should be taking up their responsibilities are unwilling or genuinely unable to do so. The ICC does not, therefore, seek to replace national jurisdictions, rather, by its permanent presence it will remind them of their legal and moral obligations, and thus reinforce the national court systems.

Mr. President,

We also believe the Court will, in good time, become the surest companion of global peace, of a more welcome future and, in view of our collective and, in many respects, lamentable past -- with recurring episodes of genocide as well as the never-ending commission of war crimes and crimes against humanity -- this could not come sooner. We appeal, therefore, to the Security Council to give some thought to these few modest points we have attempted to put forward here today.