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Statement d d n

Before the Sixth Committee of the 77th Session

of the United Nations General Assembly

Delivered by

H.E. Permanent Representative Ambassador Mahmoud D

Hmoud

On the agenda item

"Report of the ILC

Clusters 2 + 3



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Today I will in particular the criminal jurisdiction and general principles of law.

Immunity of state officials from foreign criminal jurisdiction:

At the outset, my delegation wishes to thank the Special Rapporteur Madame Escobar Hernandez for her efforts and dedication to the topic over the years which led to the adoption by the ILC of a set of draft articles on first reading.

Despite the immense political pressure on the Special Rapporteur to change her position on the issue of exceptional immunity *ratione materiae*, she refused to politicize the matter or compromise her principled position, which led to her not being re-elected last year.



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We commen
and wish the Cor
Commission when

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important to apply the guarantees as contained in the [redacted] security [redacted]

I will turn back to [redacted] draft [redacted] were finalized during the 73rd session of the ICJ. Finalized during the 73rd session of the ICJ.



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State practice with important treaties
privileges and immunities

Jordan also welcomes the provision of
transfer of criminal proceedings to the State of the official. The
text of draft article (15) sets the right balance between the legal
interests of the forum State and the State of the official.

We would have wished that the draft articles contained
provision on the suspension of criminal proceedings as part of
the settlement of disputes mechanism (under article 14).
However, my delegation can accept the text of article 15 in
the hope that the second reading may provide
suspensive effect of the invocation of dispute settlement.

Jordan also welcomes the text of paragraph 3 of article
(14), on the determination of immunity which it considers as
important safeguard against sham prosecutions under article



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I now turn t

My delegation wishes to express its deep gratitude for Special Rapporteur, Ambassador Marcelo V. ~~Bohmer~~ ~~Bohmer~~,

. We look forward to receiving the full set of draft conclusions on first reading next year.

I will only tackle the issue of ~~the so~~ ~~called~~ general principles of law that may be formed within the international legal system.

Again, my delegation has ~~sedoubts~~ ~~serious~~ doubts on the existence of such category that we expressed last year. Such a category is only advocated for in literature and some academic writings and is neither supported by States practice nor by the opinions of



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ICJ. The example of the Special
Bogdanov of 15 (15) 16
are confused as in
language used by courts and tribunals to describe them, such

general

The concern



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identification procedure... as GP
formed within the

The second... criticism for proposing the deductive approach. Now in the
report, the Special Rapporteur decided to add to induct

Again,

this is both novel and implementable

My delegation wishes that the Commission would have
opted for a no prejudice clause as the majority of the
Commission either refused or had doubts about the
category. We regret that the ILC report does not reflect the
the commentaries to conclusions (3) and (7) which give
opposite impression. It is our hope that the Commission
reconsiders its position and drafts conclusion (7) to a no
prejudice clause without giving such an imaginary category
more value than it deserves.



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On the topic



