



UNITED
NATIONS



**United Nations Diplomatic Conference
of Plenipotentiaries on the
Establishment of an International
Criminal Court**

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COMMITTEE OF THE WHOLE

PROPOSAL SUBMITTED BY SPAIN

Article 5

Crimes within the jurisdiction of the Court

Amend to read:

"Article 5. Crimes within the jurisdiction of the Court

1. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of aggression, as defined in article 5 bis;
- (b) The crime of genocide, as defined in article 5 ter;
- (c) Crimes against humanity, as defined in article 5 quater;
- (d) War crimes, as defined in article 5 quinquies.

2. The crimes within the jurisdiction of the Court are crimes under international law as such, whether or not they are punishable under national law."

* Reissued for technical reasons.

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Article 5 bis. Crime of aggression

...

Article 5 ter. Crime of genocide

...

Article 5 quater. Crimes against humanity

...

Article 5 quinquies. War crimes

...

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A. Delete the part in square brackets entitled "Crimes against United Nations and associated personnel" (p. 28 of the English text).

B. Insert the following provision in the appropriate place in sections C and D of the part entitled "War crimes":

"Intentionally directing attacks against United Nations or associated personnel or against United Nations installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter."
