



United Nations General Assembly | Sixth Committee

**Crimes against humanity
(Agenda item 78)
Resumed Session**

12 April 2023

(check against delivery)

CLUSTER 4

Mr. Chair,

Brazil welcomes the draft articles of cluster 4 as a good basis for negotiation. We note that their language is in general consistent with other international treaties, and that they reiterate that extradition and mutual legal assistance shall be subject to the conditions provided for by national law of the requested State.

We note with satisfaction that article 13 paragraph 11 preserves the right of the requested State not to extradite when there is substantial ground for believing that the accused may be punished on account of that person's gender, race, religion, nationality, ethnic origin, culture, membership of a particular social group or political opinions.

Brazil believes that draft article 13 could benefit from an additional paragraph according to which nothing in a future treaty could be interpreted as imposing an obligation to extradite when the person is to appear before an extraordinary court, or when there are substantial grounds for believing that the person may face the application of the death penalty.

I thank you.