

**Draft Crimes Against Humanity Convention**

**Canada Statement**

**Cluster 4**

Madame Chair,

With the draft articles on Cluster 4, we find ourselves considering the framework of international cooperation, which is essential to preventing atrocity crimes, including crimes against humanity, through its deterrent effect and its ability to help us fight impunity by denying safe haven to perpetrators of such crimes across the globe.

Canada appreciates the nature of the draft articles included in this cluster as the cornerstone of continued efforts by States, while recognizing that some require further consideration and may need to take into account the ongoing discussion on the draft Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and other International Crimes, also known as the “MLA Initiative,” and vice-versa.

Specifically on requests by States to make extradition conditional on the existence of a treaty, pursuant to draft Article 13(5), we believe it would be relevant to add that such request should be made at the time of deposit of instruments of ratification, similar to the reference contained in the Convention against Transnational Organized Crime.

With appreciation for the encouragement to expedite and simplify procedures under paragraph 8, it remains that differences may arise in the treatment of these cases by States. Bearing in mind as well the general principle of international law that national laws cannot take precedence over international legal obligations, we would recommend further review the language used in the paragraph.

With regard to draft Article 13(11), we would like to, once again, note our recognition of the use of “gender”, and as previously mentioned in relation with the same language use in draft Article 2, we would also recommend not, for consistency purposes, to imply that only grounds recognized as universally impermissible under international law can lead to a refusal of extradition.

Madame Chair,

We would like to underline the importance of Articles 13 and 14 and their role in providing States with the necessary details to facilitate cooperation on extradition and mutual legal assistance for crimes against humanity. We also take this opportunity to emphasize the need for this provision to be considered alongside their corresponding provisions included in the draft MLA Initiative, for a harmonized approach to extradition and mutual legal assistance.

Nonetheless, we believe that the scope of Article 14(3)(h) could be clarified with respect to potential “other proceedings”. Some interlinkages within the article itself could also be reviewed and refined, as needed, such as the use of “investigations, prosecutions, judicial and other proceedings” and “investigations, prosecutions and judicial proceedings” in paragraphs 1, 2 and 6.

Finally, we would like to note that we will continue to follow closely the discussions and different points of view being shared on draft Article 15, along with the potential to establish a treaty monitoring mechanism.

Thank you, Madame Chair.