



**Sixth Committee – Agenda item 78  
Resumption of the seventy-seventh session**

**Crimes against Humanity  
Cluster 4: Extradition, Mutual legal Assistance, Settlement of Disputes  
(Articles 13, 14, 15 and Annex)**

**Statement by the Federal Republic of Germany  
12 April 2023**

Germany fully aligns itself with the statement delivered by the European Union on Cluster 4 under the Programme of Work.

Articles 13, 14 as well as the Annex to the Draft Articles promote cooperation among States with regard to crimes against humanity. It should be noted that the text in front of us is largely based on existing treaties.

Art 13 on extradition sets out in detail the rules governing the extradition regarding individuals accused of crimes against humanity. Art 14 promotes the widest measure of mutual legal assistance in investigating, prosecuting and with regard judicial proceedings for crimes against humanity. The additional Annex is meant to cover requests, which are not already subject to a mutual legal assistance treaty. The provisions thus address a legal gap that might exist with regard to the prevention and punishment of crimes against humanity. These provisions provide a basis for further negotiation, also with regard to their appropriate regulatory depth or structure.

Art 15 constitutes the draft Convention's enforcement mechanism. It is standard language, and requires States to resolve their disputes through negotiations and if that fails, submit their disputes to the ICJ unless they agree instead to submit their dispute to arbitration. While details will be the subject of further negotiations, Germany feels that a clause giving compulsory jurisdiction to the ICJ would be the strongest path for promoting accountability for crimes against humanity.

Thank you.