

Government of Japan's Intervention  
for Cluster 4 on the 6th Committee Meetings  
of the General Assembly at its seventy-seventh session  
New York, 10-14 April 2023

Thank you, Chair.

- Japan would like to make a statement regarding Article 13, 14 and annex for cluster 4.
- The extradition offenses prescribed in paragraph 2 of the article 13 are defined as "the offenses covered by the present draft articles".  
On the other hand, in order to make it acceptable to more countries, it may be desirable to clarify that the offenses are only applicable to offenses that are provided for in national laws for the implementation of the Convention, for example, in accordance with paragraph 1 of Article 44 of the UNCAC, which states that "the offences established in accordance with this Convention".
- As paragraph 3 of the article 13, given the perspective of making it acceptable to a greater number of countries, there is no provision in the UNTOC that provides for a similar provision that would not uniformly deem it a political offense, as in this draft article.  
The UNCAC also includes the limitation of "a State Party whose law so permits may grant" and as Japan is a signatory to both treaties, we believe that careful discussion is necessary.
- As for paragraph 9 of the article 13, since it is a provision that does not exist in UNTOC or UNCAC, we believe it is necessary to discuss it carefully, including the specific situations that can be envisaged.
- The relationship with extradition to the ICC is not organized, and we think it may be necessary to add the phrase "except in the case of extradition to the ICC".
- The UNTOC and other instruments that establish similar provisions to Article 14 of this draft article have the phrase "without prejudice to domestic law" attached, and in order to allow for appropriate responses according to the circumstances of each country, we believe it is desirable to add "without prejudice to domestic law" before "State" in paragraph 1 of the Article 14, in addition to the description in Paragraph 6 of the Annex.
- Moreover, the content of mutual assistance under the law should be examined in light of Japan's domestic laws. Japan would also like to carefully consider the questioning of witnesses by videoconference.

- For Annex 16, in order to allow for flexibility according to each country's circumstances, it is a suggestion to add the phrase "where appropriate" after "Wherever possible and consistent with fundamental principles of national law".
- In any case, the Annex should continue to be considered because of its wide range of content.

Thank you, Chair.