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United States Statement
April 2023 Resumed Session of the Sixth Committee
ILC's Draft Articles on the Prevention and Punishment of Crimes against Humanity
Cluster 4 (International Measures: Arts. 13, 14, and 15 and Annex)
Brian Kelly, Attorney Adviser, Office of the Legal Adviser
United States Department of State
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Thank you, Madame Chair. The United States welcomes the opportunity to address the provisions of the Draft Articles relating to international measures.

Turning to Draft Articles 13 and 14, the United States notes that cooperation between States in matters relating to extradition and mutual legal assistance in cases involving crimes against humanity is critical to international efforts to prevent and punish such crimes. As history has shown, crimes against humanity rarely respect international borders. In that regard, Draft Articles 13 and 14 play an important role in the overall structure of the Draft Articles. We also note that there are widely ratified instruments, such as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, that address extradition and mutual legal assistance with respect to specific crimes. In general, the United States believes closely following those provisions, with which a large number of States are familiar, is beneficial.

With respect to Draft Article 15, and in particular paragraph 2, we recognize the important role that the International Court of Justice can play in settling disputes concerning the interpretation or application of any future convention on the prevention and punishment of crimes against humanity. At the same time, we welcome the inclusion in paragraph 3 of a process by which States could declare that they do not consider themselves bound by paragraph 2. In this regard, we note that conventions under which States may make reservations to or otherwise opt out of the Court's jurisdiction, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are more likely to be widely ratified by States.

Thank you, Madam Chair.