

**Permanent Mission of India to the UN  
New York**

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**Resumed Session of the Sixth Committee**

**CRIME AGAINST HUMANITY  
1 to 5 April 2024**

**Wednesday, 3<sup>rd</sup> April, 2024**

**India's Preliminary Comments with regard to CLUSTER – 4: Thematic Debate on Draft Articles 13, 14 and 15 of ILC Draft Articles on the Prevention and Punishment of Crimes against Humanity.**

**Draft Article 13 (Extradition)**

**Paragraph 2, provides that “Each of the offences covered by the present draft articles shall be deemed to be included as an extraditable offence in any extradition treaty existing between States...”**

India remains of the view that instead of this deeming clause, it should be left to the prerogative of the States to incorporate such offences in their existing bilateral treaties.

Furthermore, we believe that the term “membership of a particular social group” used in paragraph 11 of draft Article 13 in the context of “substantial grounds for refusal to extradite”, would be subject to divergent interpretations that will impede cooperation for extradition.

**Draft Article 14 (Mutual Legal Assistance)**

The inclusion of liability of legal persons in paragraph 2 of Draft Article 14, is bound to create practical difficulties and uncertainties concerning implementation. As such, we are of the opinion that this issue should be left to the decision of States in accordance with their respective national legislation.

Alternatively, it should be clarified that such mutual legal assistance would be subject to the domestic legislation of the requested State with respect to the extent of liability, investigations, prosecutions and judicial or other proceedings concerning such legal persons. Therefore a paragraph identical to paragraph 7 of Article 13 should be incorporated in Article 14 as well.