

Statement by the Government of Japan
Resumed Sixth Committee Session on Crimes against Humanity
Cluster 4
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Following our general comments on Cluster 1 that the draft articles should be consistent with the Rome Statute, Japan considers that draft article 13 should be consistent with Article 90 of the Rome Statute that provides for competing requests for extradition and surrender. Specifically, the present draft articles should contain a provision that surrender to the International Criminal Court shall be given a priority when such request to a Party to the Rome Statute is made by the Court.

Draft article 13, paragraphs 2 and 6, articulate the extraditable offences as “covered by the present draft articles”. It would be advisable to place limitations, with such expression as “without prejudice to its national law”, to make it acceptable for as many States as possible.

Further, as it will be a requested State that assesses on a case-by-case basis whether an offence is a political offence, further consideration on draft article 13, paragraph 3, which excludes the exception of political offence, would be necessary.

On draft article 14, Japan considers that mutual legal assistance would be executed within the scope of national law of the requested State and the Annex, paragraph 6, clarifies this point.

With this in mind, Japan would like to carefully consider the expression “, including by video conference” in draft article 14, paragraph 3, subparagraph (b). If this provision remains unchanged, further discussion on the criterion would be necessary.

On the Annex, Japan believes a requesting State should bear all necessary special costs for the execution of mutual legal assistance, including hiring an interpreter. Thus, Japan suggests the addition of a new provision to articulate that such costs shall be borne by the requesting State in Annex, paragraph 20.