

Mme/Mr Chair,

I have the honour to speak today on behalf of the five Nordic countries: Denmark, Finland, Iceland, Sweden – and my own country, Norway.

The Nordic countries reiterate that clear provisions on inter-state cooperation are key to reach the overall goals of prevention and punishment of crimes against humanity. In our view, articles 13 and 14, read together with the annex, constitute a strong addition to international law and contribute to the joint fight against impunity.

The articles in question are succinct and strike the right balance in terms of being effective and broadly acceptable to States. It is an important point that the text of the articles builds on widely adhered to treaty provisions that have been previously accepted by States and is not dependent on adherence to any other treaty. We consider this to be one of the strengths of the articles.

In this regard, the Nordic countries welcome that the Ljubljana-The Hague Convention was signed by 33 States at the Signing Conference on the 14th – 15th of February 2024 in The Hague. In our view, the draft articles and the Ljubljana-The Hague convention complement and reinforce each other in the fight against impunity.

It is an important point that Article 13, paragraph 3, provides that an offence covered by the articles shall not be regarded as a political offence and, accordingly, a request for extradition based on such an offence may not be refused on these grounds alone.

At the same time, it is essential that article 13 paragraph 7 states that extradition shall be subject to the conditions provided for by national law. In this regard, the Nordic countries would like to recall their firm and principled opposition to the death penalty, under any circumstances.

Furthermore, the Nordic countries believe that Article 13 paragraph 11, is an important safeguard to prevent extradition requests made on impermissible grounds. We share the perspectives in the Draft Commentaries of the ILC, that paragraph 11 will help ensure that similar provisions that precludes extradition for these types of circumstances in other extradition treaties or national law will remain unaffected by the current draft articles.

With regard to article 13 paragraph 13 the Nordic countries prefer the wording “where appropriate” in connection with the obligations for requested States to consult. The term “where appropriate” brings the draft articles in line with the commentaries as well as previously accepted language from other relevant treaties.

The proposed Annex will help improve the cooperation needed for mutual legal assistance. In particular, it is the Nordic countries’ view that the

designation of a central authority will strengthen the effective communication between States and allow for more effective cooperation.

With regard to Article 15, we view this Article of significant relevance, as currently no obligation on settlement of disputes relating to crimes against humanity exist among States. The article strikes a careful balance and therefore should serve as a good foundation for negotiations towards a future convention with universal membership.

Chair,

A well-defined treaty definition of crimes against humanity is key to close the impunity gap and enable effective prosecution at the national level. This, however, also requires a well-defined treaty framework on inter-state cooperation. Without such cooperation, there will be an inadvertent risk of States becoming safe havens for those who commit grave international crimes.

Thank you.