



**PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS**

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**STATEMENT BY MR NATHANIEL KHNG,
COUNSELLOR (LEGAL), PERMANENT MISSION OF SINGAPORE
TO THE UNITED NATIONS, FOR CLUSTER 4 DEBATE, ON AGENDA
ITEM 80 ON CRIMES AGAINST HUMANITY, RESUMED SESSION OF
THE SIXTH COMMITTEE,
3 APRIL 2024**

Thank you Mr Chairperson,

Singapore has comments in connection with draft article 13.

2 In particular, Singapore wishes to address the suggestion that there should be explicit language for the refusal of extradition to a State that applies the death penalty without a guarantee by that State that the death penalty would not be used in the case of the person being extradited, and the suggestion that there should be an additional paragraph according to which nothing in a future treaty could be interpreted as imposing an obligation to extradite when there are substantial grounds for believing that a person may face punishment inconsistent with “fundamental human rights” such as the death penalty, and other similar suggestions and proposals. One country that made such a suggestion did so even though it continues to have a reservation under Article 2 of the Second Optional Protocol to the ICCPR to allow it to apply the death penalty in times of war pursuant to a conviction for a most serious crime of a military nature committed during wartime, and even though, based on our understanding, its constitution retains the possibility of use of the death penalty in times of war and it has legislation to the effect that the death penalty can be used for certain military offences including crimes against humanity.

3 Singapore disagrees with the inclusion of such additional language. Our reasons are as follows. First, as we stated in our previous statement, international law does not prohibit the use of capital punishment and there is no international consensus prohibiting its use. All countries have the sovereign right to develop their own legal systems, including determining the legal penalties, in accordance with their international law obligations. We reject any insinuation that the death penalty is inconsistent with fundamental human rights. And as indicated by some delegations in the Cluster 3 debate, “appropriate penalties” in

draft article 6, paragraph 7 may include the death penalty. Second, the multilateral conventions addressing crimes on which draft article 13 is based do not contain language similar to what has been suggested or proposed. Third, there is no need for the additional language that has been suggested or proposed. Draft article 13, paragraph 7, already clearly provides that extradition is to be subject to the conditions provided for by the national law of the requested State or by applicable extradition treaties, including the grounds upon which the requested State may refuse extradition, and paragraph 19 of the Commentary on draft article 13 specifically cites a prohibition on extradition where the offence at issue is punishable by the death penalty as an example of conditions under the requested State's national law to which extradition may be subject. We would also add that there is no reason to depart from what is provided for in other multilateral conventions addressing crimes, upon which draft article 13, paragraph 7 is modelled, considering that no delegation has disagreed with either the Commission's interpretation of paragraph 7 or the legal effect of similar provisions in existing conventions.

4 Thank you for your attention.

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