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The Nordic countries Denmark, Finland, Iceland, Norwaryd Sweder commend the work of the International Law Commiss (dbcC), which at its 71st Session (2019) adopted the

jurisdictionsand, as recognized in the preamble, it is the duty of every State to exercise its criminal jurisdiction with respect to crimes against humanity

The Nordic countries agreent the effective prosecution of such crimnest be ensured by taking measures at the national level and by enhancing international cooperation, including with respect to extradition and mutual legal assistence terate that the elaboration of a convention, on the basistofe articles, would constitute a valuable contribution to this effect

The Nordic countries also welcome the reference to the rights of victims, witnesses and others in relation to crimes against humanity, as well as the right of alleged offeinders to fa treatment.

The Nordic countries consider that Article 1 contributies and clarity and certainatesy regards the scope of the artic Tetre provision clarifes that the draft articles have two overall objectives: the prevention and the punishmen troves against humanitys highlighted by the provision 0 Td ()Tj 70 -1.288 TD [(0)c0.5 (t)-9 8 (t)-9 (yT0a0 Tw 1.01 0 42 Tc 0.002.8 (i)-2e 4 (p)-2.6 (e)0.5 (8.654 -1.298 Td [(t)0.5R6 38 (p)-2.6 (s)-3.4 (h)-)0. S(a)-0.8 (r)-6.a(s)-35.7 (b)6.6 (i)-4.7 (a)-0.

"acts that "constitute" crimes against humanity be attributable to States under the rules of State responsibility.

The Nordic countries welcome the clarification Article 3, paragraph 2supported by treaty practice, jurisprudence, and settled acceptance by States at crimes against humanity are crimes under international lawn that be prevented and punished whether or not committed in time of armed conflict, and whether botcriminalized under national la

The Nordic countries lso welcome clarification in Article 3 paragraph 3 that no exceptional circumstances whatsoever may be invoked as a justification of crimes against humanity.

The Nordic countries lso support Article 4 and thus the operationalisation of the obligation to prevent mess against humanity conformity with international law. We reiterate that international efforts to eliminate these horrendous crimes can only be successful if a future convention devotes sufficient attention to prevent that spirit, the Nordic countries would like follow up on the proposals made by other member states and build on earlier discussions within in the ILC to add a monitoring mechanism to the existing draft convention.

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The Nordic countries onsider the legal obligation in Articles agraph pertaining to criminalization under national tabube of critical importance//e welcome in this regard also paragraph 5 which provide at the official position of the alleged perpetrator is not a ground for excluding criminal responsib///e note, as clarified by commentaries of the ILC, that this paragraph has no effect on any procedural immunity that a foreign State official may enjoy before a national criminal jurisdiction, which continues to be governed by conventional and customary law. We equally note that Article 7 of the ILC Draft Articles on Immunity of State officials from foreign criminal jurisdiction states that immationity materias that immation app21 2.6 ().7 (a)-0.8 (t)0.5 ()-9.6 (a)-0.8 (f)-6.5e-1 (f)-5 (T.2 (n)-at)-2 (eg)-0.9

provided for in national lawa(ragraph)3In the latter regard, the Nordic counts less re the widely held viewhat under international law, crimes against humanity give rise to universal jurisdiction.

Article 8 clarifies that investigations must be prompt, th

As regards Article 13, paragraph 11, the ILC commentary points out that this paragraph may strictly speaking not be necessary for an extradition occurring solely pursuant to the present articles. The Nordicountrieshowever, gree with the ILC that paragraph 11 enhances the articles in terms of extradition pursuant to extradition treaties or national law, since this will help prevent extradition requests made on impermissible grounds.

With regards to Article 13, paragraph 13, the Nordic countries prefer the wording "where appropriate" to be used in connection with the obligations for requested States to consult. That wording would be in line with the commentaries of the draft articles as well as previously accepteanguage from other relevant treaties.

Article 14, paragraph 8, on the application of the Annex, helps close any potential gaps in terms of mutual legal assistance. Notably, point two of the Annex, on the designation of a central authority, strengthe**ffset**ive communication between States and allowsfedy and effective cooperation.

The Nordic countries velcome that the Ljubljana The Hague Mutual Legal Assistance and Extradition (MLA) Convention was adopted at the 18th Plenary Session of the MLA Diplomatic Conference in Ljubljana on 26 May 2028 MLA Convention more detailed and covers mutual legal assistance on more than crimes against humanity evider eas the present maicles is more concise our view the two processes use fully plement each other in the fight against impunity at international level

The Nordic countries consider that Article 15 on the settlement of disputes strikes a careful balance anothaylay a good foundation for universal membership of a future convoentio the prevention and punishment confines against humanity

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for in Article 19(2) of the Charter of Fundamental Rights of the Europeanable hiers reflected in the jurisprudence of the European Cost of Human Rights

The Nordic countries ttach great importance to due process considerations, which are particularly pertinent in the context of criminal Variewelcome the broad scope Auficle 11, which concerns the fair treatment of any perseines the great being taken at all stages of the proceed in the procee

We agree that **an**leged offender shall at all stages of the proceedings be guaranteed fair treatment and full protection of his or her rights under applicable national and international law, including international human rights law, as refle**et to be a fair trial is a key element of fair treatment** procedural means to safeguard the rule of law.

The Nordic countries welcome Article Waichaddresses the rights of victims, witnesses and other persons affected by the commission of a crime against humanity. We reiterate that victims and survivorare at the heart of international criminal justice **aoday** elcome, in this regard, ictantctmeiems crighes us 5 (r)-4..4 (m)-0.2 (e)2.6 (i)-.1 (n)-0.6 (a)1.1 (n)-05 (r)-4..4.