

Chair,

The provisions relating to international measures are an integral part of the operationalization of any future Convention on crimes against humanity. They contribute to achieving the objectives of these Draft Articles by laying the foundations for effective international cooperation.

Canada appreciates the comprehensive normative framework set by these Draft Articles, although certain elements require further clarification.

Beginning with Draft Article 13, Canada wishes to reiterate its view that greater clarity on the intended application of Draft Paragraph 9 in practice is necessary to determine its viability in any future Convention. This would help ensure that both the Requesting and Requested States share the same interpretation of the scope of the applicable jurisdiction in an extradition context.

With regard to Draft Paragraph 11, Canada reiterates its recommendation of last year also expressed in relation to Draft Article 2 that grounds recognized law



Draft Articles, we would have a number of suggestions, but for the purpose of the current discussions, we will limit our observation to Draft Paragraph 2. Indeed, Canada would support a regime which provides for direct transmittal of requests between Central Authorities, and which allows for the use of electronic means to communicate requests and additional materials, in order to avoid inefficiencies that could arise by resorting to diplomatic channels.

Finally, Canada has provided views on Draft Article 15 through its written comments, observing that this Draft Article should provide for timelines on the consideration of terms of arbitration and recourse to the International Court of Justice, similar to what is provided in Article 30(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, as the obligation not to commit crimes against humanity exists under customary international law, States can already hold other States to account under the principle of state responsibility outside of an international legal proceeding. As such, we indicated that, in our opinion, settlement of disputes for crimes against humanity should not be subject to reservations, even if this comes at the

cost of fewer ratifications. Our preference would therefore be to limit Draft Article 15 to its First and Second Paragraphs.

We have also taken note of varying views expressed regarding the establishment of a treaty monitoring mechanism, and would like to note that our reflection on this subject continues.

Thank you, Chair.