



First, I turn to **the obligation to extradite or prosecute**. At the outset the Nordic countries would like to thank the Special Rapporteur for the efforts undertaken as well as the Commission for having finalized its work on this topic. We would also like to thank the Commission for its final report on the topic which we believe contains a good summary of the work done. The report's analysis of the ICJ judgment in *Belgium v. Senegal*, "Questions relating to the Obligation to Prosecute or Extradite", confirms the key role the obligation to extradite or prosecute plays - together with the closely linked principle of universal jurisdiction - in the enforcement of international criminal law.

As the Commission's work on this topic draws to an end let me underscore our view that the fight against impunity for perpetrators of serious international crimes is an important legal policy objective; not only for the Nordic governments, but also for the international community. The numerous conventions containing provisions on the obligation to extradite or prosecute aim at ensuring that there are no safe havens for such perpetrators and the implementation of these provisions remains as important as ever.

We are aware that divergent views have been expressed, including in the Commission, on a number of important issues, including the question whether the obligation to prosecute or extradite has attained an international customary law status. We had, nevertheless, hoped that the Commission's work on this topic could have yielded more detailed results on the fulfilment of the obligation and thus a stronger basis for the further codification and progressive development of this important principle.



We support the requirement in draft conclusion 9



As underlined by the Special Rapporteur: “The concept of an *official* is particularly relevant to the topic Immunity of State officials from foreign criminal jurisdiction, because it determines the subjective scope of the topic.” We largely agree with the identifying criteria listed in the Special Rapporteur’s report and supported by the Commission, and we agree that the individuals who may be termed “State officials” for the purpose of immunity *ratione materiae* will have to be determined on a case-by-case basis.

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