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person into custody, it shall notify, where appropriate, the States under draft article 7, paragraph
1’.
As to the question ‘whether the words “as appropriate”, in para. 3, give excessive discretion to
the investigating State?’, Türkiye believes that it is necessary to provide flexibility in treaty
provisions concerning an issue such as investigations, which is at the core of state sovereignty.
Since the expression 'as appropriate' serves the purpose of providing this flexibility it must
remain in the scope of the article.

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Türkiye is hesitant about whether Draft Article 10 is necessary given that Draft Article 7,
paragraph 2 is already recognised aut dedere out judicare principle. We suggest that either the
necessity of Draft Article 10 in relation to Draft Article 7/2 should be clarified or Draft Article 10
should be omitted.
We also reiterate that the strongest jurisdictional link should take precedence. We are thus against
the idea that the obligation to prosecute should be considered to take precedence over the
obligation to extradite as a general rule.
For the Turkish Delegation, the reference to international criminal courts and tribunals in the text
of the draft article 10 is undesirable for two reasons. First, as pointed out by some other member
States, while international criminal courts and tribunals play a complementary role, Draft Article
10 is formulated in a manner that implies the status of national jurisdictions and the jurisdiction
of international criminal courts and tribunals are on par. Second, the jurisdiction of international
criminal courts and tribunals is usually not accepted by a considerable number of Member States.
For these reasons, the reference to international courts and tribunals should be omitted or should
be regulated in a separate paragraph, in which it should be clarified that these courts and
tribunals have a complementary role, and the relevant obligation only applies to the Member
State to the court or tribunal in question.
Finally, with regard to the question as to ‘whether there is a need to explicitly address the
question of universal jurisdiction?’, Türkiye would like to stress that while universal jurisdiction
is not recognised by all states, the understanding of the States that do recognise such a
jurisdiction varies. Therefore, Draft Article 10 should avoid creating obligations in relation to
universal jurisdiction.