



Resumed session - Crimes against humanity (Cluster 4)

Statement of Italy

Delivered by Mr Enrico Milano

Thank you Madam Chair, national capacity concern

My delegation aligns itself with the provisions of Cluster 4

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With regard to the provisions on extradition in draft Article 13, Italy would like to make four observations.

First, we welcome the fact that draft Article 13 is modelled on Article 44 of the UN Convention against Corruption and on Article 16 of the UN Convention on Transnational Organized Crime since the two conventions have received almost universal ratification and those two provisions have proved to be effective tools for inter-state cooperation in matters of extradition.

Second, the provisions of draft Article 13 are in line with the provisions of the UN Convention on Transnational Organized Crime and the UN Convention against Corruption for refusing an extradition request.

Third, the provisions of draft Article 13 are in line with the provisions of the UN Convention on Transnational Organized Crime and the UN Convention against Corruption 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
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essential condition for effective judicial cooperation.

Fourth, we support the insertion of a specific paragraph similar to Article 44,
paragraph 15, of the UN Convention against Corruption limiting the obligation of
extradition when the requested State has substantial grounds to believe that such

mutual legal assistance, also given the fact that a future treaty will not enjoy the benefit of a commentary to guide the interpretation of its provisions

Finally, with regard to draft Article 15 we wish to express our general support for the dispute settlement provision contained therein, while expressing doubts over the need to insert the opt-out clause under paragraph 3 as drafted, unless a new specific provision is inserted prohibiting reservations from the treaty. In this respect, we note that the precedent of Article 66, paragraph 3, of the UN Convention against Corruption, mentioned in the commentary, is indeed relevant but de facto relates to the possibility of reservations to compulsory dispute settlement being made at the time of signature, ratification, acceptance or approval of or accession to the Convention. This matter will have to be carefully reviewed in the course of future treaty negotiations