

S T A T E M E N T

by

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Mr. Chair,

Slovakia fully aligns itself with the statement made on behalf of the European Union and its Member States. I will proceed by adding further remarks in my national capacity on draft articles 13 to 15 regarding extradition, mutual legal assistance and settlement of disputes.

Beginning with draft article 13, we take due note of its interlinkage with other draft articles, specifically, draft article 7, paragraph 2, draft article 9, paragraph 3 and draft article 10. In accordance with draft article 10, a State can satisfy its obligation arising out of the principle *aut dedere aut judicare* by extraditing or surrendering the alleged offender to another State or to a competent international court or tribunal. Draft article 13 is useful in this regard, facilitating such extradition, clearly setting out applicable rights, obligations and procedures. We note with great satisfaction that the specific paragraphs of draft article 13 draw from the text of the Convention against Corruption, which, in turn, was inspired by the Convention against Transnational Organized Crime. From our own experience, we consider this model a very successful one.

By contrast, draft article 14 regulates situations where the State undertakes to prosecute crimes against humanity instead of extradition and seeks assistance from another State in one of the envisaged forms. This provision is thus the core part of the inter-State cooperation element of the draft articles. Similarly to draft article 13, we welcome that the source of inspiration for draft article 14 was the Convention against Corruption with some acceptable modifications. It is our understanding that these provisions provide guidance to States mostly in situations when there is no mutual legal assistance treaty between the requesting and requested States. However, as further clarified in the commentaries, it also applies in cases where a mutual legal assistance treaty is in place, provided that specific conditions are met.

With respect to draft article 15, Slovakia fully supports the first paragraph putting emphasis primarily on the negotiations between the States concerned. Also, as a State that has accepted compulsory jurisdiction of the International Court of Justice, we naturally support the Court's jurisdiction in respect of disputes concerning the interpretation or application of draft articles as envisaged in paragraph 2. We note that there is no specific duration of negotiations

prescribed in order for a State to submit the dispute to the ICJ. The prerequisites are that genuine attempt at negotiations was made, it did not result in the settlement of the dispute and the States did not agree to submit the dispute to arbitration. In any case, we would prefer to see the language of the Genocide Convention in paragraph 2 providing for an immediate resort to the ICJ. In relation to paragraph 3, we are of the view that the opt-out clause weakens the fulfilment of the object and purpose of the draft articles. We would appreciate to hear from other delegations about the idea of an oversight or monitoring mechanism. A memorandum prepared by the Secretariat during the Commission's works drawing from existing treaty-based monitoring mechanisms could be of high relevance to such discussion.

I thank you.