



Statement by

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- We are unable to comprehensively comment on draft article 7 without knowing how it relates to the vital issue of procedural safeguards. While we thus believe these issues should not have been dealt with separately, we welcome that the current text of the draft articles contains a footnote that refers to the urgent need to consider procedural provisions at the 70th session of the ILC.

- The exception to immunity of *corruptio* R a p p o r t e u r draft article 7 was dropped off only as it was the prevailing view that in such cases there was not even an official act and thus no immunity applied to begin with. This reasoning raises several serious issues in itself, but eventually points to an important observation: namely, that the list of crimes to which immunity did not apply in draft article 7 was in the end not exhaustive and would thus not ensure legal certainty. This is exacerbated by the fact that, in the commentary, the term “corruption” *g r a n d a c t o r t a p o n i o n* c o w h i c

