Mr. Chair,

Portugal aligns itself with the statement delivered by the European Union and would like to offer the following comments in its national capacity.

Mr. Chair,

Extradition is an important tool to ensure accountability when a State does not prosecute the alleged offender of crimes against humanity found in its territory.

We welcome paragraph 4 of draft Article 13 whereby the draft articles may be considered as a legal basis for extradition in respect of crimes against humanity, which is particularly important for those States requiring an extradition treaty to be able to carry out the eyl[ar81)cG-sjaZr81

Extraditions should, nevertheless and as mentioned, always be in line with human rights law requirements. For instance, the European Court of Human Rights has consistently ruled that an extradition may not be carried out if there is a significant risk of ill-treatment and torture.

Portugal listened with attention to proposals made last year to include additional safeguards to extradition. It was also proposed to include a reference to central authorities for extradition matters, to provisional detention as well as a simplified extradition procedure. We are open to discuss those proposals during the negotiations of the convention.

Mr. Chair,

Draft Article 14 providing the legal basis for mutual legal assistance between States, including the annex provided for in paragraph 8, is of great practical importance. We welcome the option to include detailed provisions on cooperation between States in gathering information and evidence to assist investigations or prosecutions being carried out in another State. This is without predjudice of applicable norms of existing mutual legal assistance treaties, as also noted by the ILC.

Mr. Chair,

In what concerns draft Article 15 on the settlement of disputes on the interpretation or application of the draft articles, we are satisfied with the two-step approach proposed by the ILC to foresee the recourse to the ICJ or arbitration only if the dispute could not be settled through negotiations.

We do agree with others that have suggested that negotiations for the setlement of a dispute should have a resonable time limit after which the dispute may be submitted to the ICJ or, if the concerned States so agree, to arbitration.

In addition, we do not support paragraph 3 which allows States to opt-

However, in our view, given the particular nature of crimes against humanity, the example to be followed should be the Convention on the Prevention and Punishment of the Crime of Genocide which does not provide any such opt-out clause and the recourse to the ICJ suffers no limit.

Mr. Chair,

To conclude, we would like to state that we do see with interest the proposal made by some delegations to establish in the future convention a monitoring body.

Thank you.