



Economic and Social Council

Distr.: Limited
28 March 2013

Original: English

Commission on Crime Prevention and Criminal Justice

Twenty-second session

Vienna, 22-26 April 2013

Item 5 (d) of the provisional agenda*

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Argentina, Austria, Belgium, Chile, Hungary, Luxembourg, Netherlands and Slovenia: draft resolution

International cooperation in the fight against the crime of genocide, crimes against humanity and war crimes

The Commission on Crime Prevention and Criminal Justice,

Recalling paragraph 21 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which Member States expressed their awareness that gaps might exist in relation to international cooperation in criminal matters and invited the Commission on Crime Prevention and Criminal Justice to consider reviewing that issue and explore the need for various means of addressing gaps that were identified,

Reaffirming that the international crimes of genocide, crimes against humanity and war crimes are among the most serious and heinous crimes,

Noting with satisfaction that in recent decades much progress has been made at the national and international levels in addressing the crime of genocide, crimes against humanity and war crimes,

Emphasizing that fighting impunity for the crime of genocide, crimes against humanity and war crimes is essential for peace, stability and the rule of law in the States concerned,

* E/CN.15/2013/1.

¹ General Assembly resolution 65/230, annex.



Recognizing that States have primary responsibility for the prosecution of individuals suspected of the crime of genocide, crimes against humanity and war crimes,

Underlining that prosecuting the crime of genocide, crimes against humanity and war crimes usually involves suspects, witnesses, evidence or assets located outside the territory of the State that is conducting the investigation and/or prosecution,

Recognizing that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of continued efforts by States to fight against impunity, and encouraging the continuation and reinforcement of such activities at all levels,

Reiterating the significance of the pertinent provisions on international cooperation in criminal matters, particularly extradition and mutual legal assistance, of the United Nations Convention against Transnational Organized Crime² and the United Nations Convention against Corruption,³

Bearing in mind those United Nations standards and norms in crime prevention and criminal justice that focus on the area of international cooperation in criminal matters, in particular the Model Treaty on Extradition⁴ and the Model Treaty on Mutual Assistance in Criminal Matters,⁵

Concerned that the existing legal framework may not be for all Member States a sufficient legal basis for mutual legal assistance or extradition in cases of genocide, crimes against humanity and war crimes,

1. *Expresses* its willingness to strengthen the legal framework for international cooperation, especially in matters of the crime of genocide, crimes against humanity and war crimes, in order to facilitate and promote investigation and prosecution of those crimes;

2. *Urges* Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters. In that context, regional legal cooperation networks could be supported;

3. *Recalls* that gaps may exist in relation to international cooperation in criminal matters, in particular with respect to the crime of genocide, crimes against humanity and war crimes and decides, at its twenty-third session, dedicated to the theme of mutual legal assistance and extradition, to review this issue and explore the need for various means of addressing gaps that are identified;

4. *Encourages* Member States to put forward at the thematic debate on mutual legal assistance and extradition at the Commission's twenty-third session proposals to address the issue of strengthening and enhancing the international legal framework for mutual legal assistance and extradition in the fight against the crime of genocide, crimes against humanity and war crimes.

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ *Ibid.*, vol. 2349, No. 42146.

⁴ General Assembly resolution 45/116, annex, and resolution 52/88, annex.

⁵ Assembly resolution 45/117, annex, and resolution 53/112, annex I.