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STATEMENT

by

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to the United Nations**

**64th Session of the General Assembly
Sixth Committee**

Item 84: The scope and application of universal jurisdiction

**20 October 2009
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Mr. Chairman,

My delegation attaches great importance to the agenda item “The scope and application of universal jurisdiction” currently discussed in this committee. From our point of view, this is the appropriate forum for elaboration on that issue, since universal jurisdiction should be considered within the framework of international law.

Mr. Chairman,

The doctrine of universal jurisdiction which allows national courts to try cases of the gravest crimes against humanity regardless of the territory where they were committed, the nationality and official status of the perpetrators, is not a novel legal concept. Universal criminal jurisdiction has been asserted by States under international law, both customary and conventional. In general, members of the international community have accepted, that the customary international law permits the exercise of such a jurisdiction over piracy, slave trade or trafficking in persons. Subsequently, under international treaty law the application is widely recognized for the international crimes of genocide, torture, crimes against humanity or grave breaches of the 1949 Geneva Conventions. The jurisdiction over the above mentioned *delicta juris gentia* is universal and shall be therefore applicable everywhere.

Mr. Chairman,

My delegation is of the opinion, that the cases regarding national prosecution of the alleged international crimes exist worldwide and do not only concern persons from one particular region.

Furthermore, it is important to stress, that the universal jurisdiction relates primarily to the competence of national courts. In this regard, jurisdiction of international criminal courts and tribunals established in the last decades must be clearly distinguished from universal jurisdiction.

We are not convinced of the feasibility to establish an international regulatory body with competence to review and/or handle complaints by individual States against other States' national exercise of universal jurisdiction. It would be incompatible with States' rights and obligations under national and international law as well as with the principles of separation of powers and the independence of the judiciary which might be endangered.

Finally, Mr. Chairman, our common goal is the fight against impunity with the aim to ensure that individuals who commit such atrocities are brought to justice and that adequate redress is provided for the victims. Thus, universal jurisdiction is an essential component in that endeavor. For these reasons we support that the discussion on the universal jurisdiction continues in the Sixth Committee.

Thank you for your attention.