

# **New Zealand Permanent Mission to the United Nations**



## **Te Māngai o Aotearoa**

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### **Sixth Committee**

#### **Agenda item 84**

**The scope and application of the principle of universal jurisdiction**

**Statement on behalf of CANZ by**

**Ms Alice Revell**

**Second Secretary/ Legal Adviser**

**17 October 2012**

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Mr Chair

I have the honour to speak today on behalf of Australia, Canada and New Zealand. CANZ welcomes this opportunity to once again engage in a dialogue on the scope and application of universal jurisdiction.

CANZ recognises universal jurisdiction as an established principle of international law. Universal jurisdiction confers on every State the ability to exercise criminal jurisdiction over those individuals responsible for the most serious crimes of international concern irrespective of where the conduct occurs, irrespective of the nationality of the perpetrator and irrespective of any other links between the crime and the prosecuting State. Such crimes attack the interests of all States; and as such it is in the interests of all States to ensure the prosecution of the perpetrators.

CANZ maintains that primary responsibility for investigating and prosecuting serious international crimes should always rest with the State in which the conduct occurs. The balance of justice requires that those who have been harmed should judge the offenders. The State where the crimes were committed benefit most from the transparency of a trial and the accountability of a verdict. That State is also usually best placed to see that justice is done, because it has the best access to evidence, witnesses and victims. Universal jurisdiction provides a complementary mechanism to ensure that accused persons are held accountable for their crimes in circumstances where the territorial State is unable or unwilling to exercise jurisdiction, thereby ensuring that individuals who commit grave crimes do not enjoy safe haven anywhere in the world.

Mr Chair

Universal jurisdiction should always be exercised in good faith and in a manner that is consistent with other principles and rules of international law. It is essential that the rule of law is upheld and that accused persons are guaranteed an impartial, expedient and fair trial.

Australia, Canada and New Zealand have long recognised universal jurisdiction over the most serious international crimes including the crimes of genocide, crimes against humanity, and war crimes.

CANZ applauds the work of those States that have incorporated universal jurisdiction over grave crimes into their domestic legislation and encourages others to do the same. Further, we encourage States, consistent with their international obligations and domestic practices, to cooperate and provide all means of support to each other, to ensure that the prosecutions of individuals responsible for grave crimes can be pursued. By doing so, we further our shared aim to ensure accountability for the most serious crimes of international concern.

Mr Chair

CANZ looks forward to a thorough discussion of these issues. We reiterate our willingness to work constructively to this end with other States and relevant observers in the working group.

