

ISRAEL

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CHECK AGAINST DELIVERY

Statement by:

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Agenda Item 84

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

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Mr. Chairman,

Israel would like to commend the Secretary General for his recent report (A/67/116), which furthers our collective knowledge on this important item. The lack of international consensus on the definition and scope of the principle of universal jurisdiction is reflected in the broad range of opinions and approaches presented in the current and previous reports of the Secretary General, demonstrating the need for further study of the topic.

Israel previously submitted information and its observations on the scope and application of universal jurisdiction. We take this opportunity to highlight some important points:

First, Israel shares the view expressed by many other States that there exists a distinction between universal jurisdiction and the treaty-based obligation to “extradite or prosecute.” A treaty-based obligation “to extradite or prosecute” does not confer universal jurisdiction with respect to the relevant offence.

Second, Israel views universal jurisdiction as a mechanism of last resort. As such, priority of jurisdiction should be afforded to States with primary jurisdictional links.

Third, Israel believes that under international law, States have an obligation to include certain safeguards on the exercise of universal jurisdiction in order to prevent its abuse and to ensure the responsible exercise of such jurisdiction. We note the increasing number of examples of such safeguards currently in place in various States which include limiting the right to initiate criminal proceedings to the public prosecution authority or requiring the authorization of a senior legal official before initiating an investigation on the basis of universal jurisdiction. Israel believes that safeguards such as these constitute important checks and balances to the exercise of universal jurisdiction.

In closing, Mr. Chairman, we reiterate our view that in light of existing uncertainties with respect to the scope and application of universal jurisdiction, it would be useful for the working group to obtain information from additional States about their practice with respect to this important issue.

We look forward to further discussions on this topic.

Thank you.