

68<sup>th</sup> Sessions of the General Assembly of the United Nations

**STATEMENT OF THE PERMANENT MISSION OF CUBA TO THE UNITED  
NATIONS ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND  
CARRIBEAN STATES, CELAC**

Item 86

**JURISDICCION UNIVERSAL**

New York, October 17, 2012  
-Please check against delivery-

Mr. Chairman,

I have the honor to speak on behalf of the Community of Latin American and Caribbean States, CELAC.

Mr. Chairman,

CELAC hereby states the importance we give to the agenda item entitled “Scope and application of the principle of universal jurisdiction”, as a topic that concerns all members of the United Nations. CELAC stresses that the framework for the study and analysis of these matters is International Law, precisely the one that guides the works of the Sixth Committee whenever the General Assembly refers an issue to its consideration.

Mr. President,

In this session, we are considering a fourth Report elaborated by the Secretary-General on the item (document A/68/113), compiling “the comments and observations of Governments”. It provides more elements to address the study of universal jurisdiction in order to determine our future steps.

Moreover, we take into account the consultations pursued by the Working Group established within this Sixth Committee in accordance with General Assembly’s Resolution 66/103. During the 66<sup>th</sup> session of the General Assembly, after wide consultations, the Chair of the Working Group, Ambassador Ulibarri of Costa Rica, presented a document entitled “Informal working notes from the Chair”, with the spirit of contributing to and facilitating the debates on the topic.

Thanks to such works, we are currently capable to advance in our dialogue, to be held along with further studies of the applicable international regulations. Thus, the Working Group has explored several points of common understanding, along with others that should be studied more deeply. It would be very productive to focus our discussions, during this session, on the Scope of Universal Jurisdiction, according to point 2 of the Section II: Issues for discussion, as agreed by the Working Group in the informal working paper A/C.6/66/WG.3/1 addressed in the “Informal working notes from the Chair”.

In this regard, CELAC recalls that universal jurisdiction is an institution of International Law of exceptional character for the exercise of criminal jurisdiction, which serves to fight impunity and strengthen justice. Hence, International Law defines its scope of application and enables States to exercise it.

CELAC finds very productive that, as a result of the discussions within the framework of the Sixth Committee and the further information provided by States in their reports, several delegations have again expressed that Universal Jurisdiction



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should not be confused with the exercise of International Criminal Jurisdiction, or with the obligation to extradite or prosecute (*aut dedere aut iudicare*). Thus, an important group of States has clearly indicated the different legal nature of such institutions, notwithstanding their complementarity for the purposes of fighting impunity. This is precisely the understanding that CELAC has on this subject, in accordance with its commitment to International Law and Human Rights, and with the observance of the Rule of Law in the national and international levels.

CELAC would like to commit its best efforts in contributing to the work to be carried out within the Working Group. At this stage it is premature to determine the results that the Working Group might reach, but we do not discard the possibility, as mentioned before, of a future request to the International Law Commission for the study of this topic.

I thank you, Mr. President.