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**The Scope and Application of
the Principle of Universal Jurisdiction**

Statement by

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(check against delivery)

Mr Chairman,

I wish to thank the Secretary-General for his latest report (A/68/113) as well as those that have submitted information and observations for it. As the principle of universal jurisdiction is of great importance to my delegation, I would also like to offer a few comments on behalf of Finland.

Mr. Chairman,

For us, the principle of universal jurisdiction is an important tool in the fight against impunity. It is the primary responsibility of national courts to ensure that those guilty of the gravest crimes are brought to justice. In instances where, for a variety of reasons, a case cannot be tried in the State where the crime was committed or in a State with any link of active or passive personality, or other grounds of jurisdiction recognised in international law, the principle of universal jurisdiction may provide a basis for national authorities of another State to investigate and prosecute alleged perpetrators.

Having said that, there are of course a number of significant advantages in trying a case in the jurisdiction where the crime has taken place. Among those is the possibility for victims to participate and for victims and their communities to be better aware of the efforts to bring alleged perpetrators to justice. It is therefore important to address the needs of the overall rule of law capacity where needed.

Mr. Chairman,

The principle of universal jurisdiction is not a novelty in criminal law. It is generally agreed that international customary law allows the use of universal jurisdiction with regard to certain international crimes but views are divergent as to the exact scope of the principle. Underlying notions of universal jurisdiction may also be contained in conventions which oblige their states parties to either extradite or prosecute suspects of acts prohibited by such conventions, although the two concepts are separate and distinct from each other.

The Working Group established by the Sixth Committee will, in accordance with the outline contained in the 2011 Informal paper of the Working Group, focus this year on which crimes fall under universal jurisdiction. While being grateful for the background material that is available for the Working Group and thanking Ambassador Ulibarri, in particular, for his efforts as the Chairman of the Working Group, we think that it would be necessary for the Working Group to be able to draw on more in-depth analysis of the scope of the principle before aiming to come to any conclusions in that regard.

Given the complexity of the issues relating both to the scope of the principle and to its application, my delegation has stated at earlier occasions that our discussion could benefit from closer study of such issues by the International Law Commission. It is against this background that we have taken note with great interest of the proposal made by Switzerland as a constructive way forward.

Mr. Chairman,

Universal jurisdiction is an established principle in international law applied by courts whose independence must be respected. Impunity is no longer an option, and we must not seek to limit the scope or application of the principle of universal jurisdiction in a way that would suggest otherwise.

I thank you.