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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/68/113) and for his ongoing contribution to this sensitive and complex topic. The Report and national reports reveal that States hold diverse views regarding the scope of universal jurisdiction.

The different views held by States is reflected, for example, in the range of offences to which national legislators ascribe universal jurisdiction, including in some cases offenses lacking the characteristics inherent to the concept of universal jurisdiction under international law. Conflicting perspectives are also reflected in inconsistent definitions of universal jurisdiction which appear in the national legislation of different States. For example, it is apparent that some States interweave the principle of universality with other principles of jurisdiction.

At the same time, it is also evident from the Secretary General's reports that there is widespread acknowledgment, shared by Israel, of the importance of combating impunity and bringing the perpetrators of heinous crimes to justice. Many States also recognized the subsidiary nature of universal jurisdiction, and the need to prevent its abuse, by establishing appropriate safeguards in national legal systems. These include, for example, a requirement that prosecution based on universal jurisdiction be conducted by public prosecution, a requirement to seek approval from high-level legal officials for the exercise of universal jurisdiction, requiring the presence of the accused or additional jurisdictional links, and according priority to States with primary or closer jurisdictional links.

In conclusion, Mr. Chairman, in light of the basic inconsistencies regarding the scope and application of universal jurisdiction, it would be prudent to seek additional State reports on this topic. Israel welcomes the work of the working group on Universal Jurisdiction. We look forward to the debate and are ready to learn from the views of other states and contribute from our experiences.

Thank You