



Please Check Against Delivery

**STATEMENT**

by

**H.E. Ambassador Eden Charles**

**Chargé d'Affaires, a.i.**

**of the Republic of Trinidad and Tobago**

**to the United Nations**

**on behalf of the Caribbean Community (CARICOM)**

on

**Agenda Item 83**

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

**in the Sixth Committee (Legal Committee)**

\*\*\*\*\*

**United Nations, New York  
October 15, 2014**

Mr. Chairman,

I have the honour to speak on behalf of the fourteen Member States of the Caribbean Community (CARICOM).

CARICOM aligns itself with the Statements delivered by Costa Rica on behalf of the Community of Latin American and Caribbean States (CELAC) and the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM).

We wish to express our appreciation to the Sixth Committee for its efforts in facilitating and advancing this important discussion on the scope and application of the principle of universal jurisdiction.

CARICOM also welcomes the report of the Secretary General, contained in document A/69/174, which provides useful information and observations from Member States and relevant observers on, the scope and application of universal jurisdiction, relevant international treaties and supporting domestic legislation and judicial practices.

Mr. Chairman,

We firmly believe that the principles of the Charter of the United Nations, namely, respect for the sovereignty and territorial integrity of States, political independence, the rule of law and non-interference in the internal affairs of other States, should inform the discussion on the scope and application of the principle of universal jurisdiction.

To this end, CARICOM supports the decision of the General Assembly, pursuant to resolution 68/117, to establish a working group within the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction. In this regard, we express our full support for the work of the Committee and pledge to actively engage in discussions on the proper application of universal jurisdiction.

Given its legal implications, universal jurisdiction needs to be carefully examined with a view to ensuring adherence to and respect for the principles and norms of international law. Pursuant to resolution 68/117, CARICOM underscores that in order to ensure its legitimacy and credibility, universal jurisdiction needs to be conducted in a responsible and judicious manner consistent with the principles of international law.

Mr. Chairman,

Notwithstanding article 31 of the Vienna Convention on Diplomatic Relations of 1961, which provides for the immunity of the diplomatic agent from criminal jurisdiction in the receiving State, CARICOM supports the jurisdiction of the International Criminal Court which is governed by the provisions of the Rome Statute. A central element of the Rome Statute of the International Criminal Court is the fundamental principle that no one is

immune, under international law, for crimes such as genocide, crimes against humanity, war crimes and the crime of aggression. Article 27 (1) provides that “the Statute shall apply equally to all persons without any distinction based on official capacity”.

CARICOM further underscores that the jurisdiction of the court is complementary to national criminal jurisdictions. To this end, the jurisdiction of the International Criminal Court is only invited when a State is unwilling or unable to prosecute criminals under its domestic law, for crimes of genocide, crimes against humanity, war crimes and the crime of aggression.

While CARICOM remains unwavering in its commitment to counter impunity and other serious crimes, we believe that this should not generate abuse of or conflict with existing rules of international law. Universal jurisdiction should instead, foster a climate of peace and security among nations, respect the rule of law, and ultimately, ensure justice for victims.

Mr. Chairman,

CARICOM considers that universal jurisdiction should be treated as a complementary mechanism in the international criminal justice system, which should not replace the national jurisdiction of States or impinge upon national sovereignty. When executed within the proper framework, universal jurisdiction serves as an excellent mechanism to fight impunity and strengthen international justice.

In exercising universal jurisdiction, it is important to clearly define the circumstances under which such application would be appropriate. CARICOM shares the view that universal jurisdiction is necessary and justifiable in instances where, the crimes committed affect the international community, national justice systems allow the perpetrator to continue to act with impunity, and in cases of serious violations to international law.

Mr. Chairman,

In closing, CARICOM reaffirms its commitment to continue working within the context of the Sixth Committee with a view to undertaking a thorough analysis on the scope and application of universal jurisdiction.

I thank you.