



Permanent Mission of Costa Rica to the United Nations – Pro Tempore Presidency

69th Sessions of the General Assembly of the United Nations

**STATEMENT OF THE PERMANENT MISSION OF COSTA RICA TO THE UNITED NATIONS ON BEHALF OF THE
COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES, CELAC**

Item 84

, “Report of the SG on the scope and application of the principle of universal jurisdiction”

New York, October 15, 2014

-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 reiterates 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 established under International Law,-raising pertinent issues that guide the work of the Sixth Committee.

In this session, we take note of a fifth report elaborated by the Secretary-General on the item (document A/69/174), compiling more comments and observations of Governments on this issue, including from three CELAC countries – Cuba, El Salvador and Paraguay. This report provides more elements to address within 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 67/98 of 14 December 2012. During the 66th 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 paper of the Working Group" (A/C.6/66/WG.3/1). This document was prepared after wide consultations and was presented in the spirit of contributing to and facilitating the debates on the topic. It contains agreements on the methodology, as well as an enumeration of issues for discussion.

As a result of our previous efforts, 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 further discussing the application of the concept of Universal Jurisdiction, according to point 3 of the said document..

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 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 will continue to commit its best efforts to contribute to the work carried out within the Working Group. We recognize it is still premature to predict the outcome that the Working Group might reach, but we do not discard the possibility, as mentioned in previous CELAC statements, of a future request to the International Law Commission for the study of this topic.

I thank you, Mr. Chairman.