

**Response of the Republic of Cuba pursuant to United Nations General Assembly resolution 68/117 entitled “The scope and application of the principle of universal jurisdiction”**

The scope and application of the principle of universal jurisdiction is a matter within the competence of all States Members of the United Nations. The work of defining this principle must therefore be conducted within the framework of the United Nations General Assembly, with the participation of all interested Member States. In that regard, Cuba supports the efforts of the open-ended working group established by the Sixth Committee of the General Assembly to examine the topic in a transparent and inclusive manner.

Cuba is of the view that the primary objective of the work of the United Nations General Assembly relating to universal jurisdiction should be to establish, through consensus, an international norm, or failing that, international guidelines to safeguard international peace and security and prevent the selective and manipulative use of the principle of universal jurisdiction.

The norm or international guidelines should be in line with the principles of the Charter of the United Nations and should clearly establish under what conditions or within which limits the principle of universal jurisdiction may be invoked, as well as the offences to which the principle would be applied. Such offences should be restricted to crimes against humanity. The principle should be invoked with the consent of the State in which the act was committed, or of the States of which the accused is a national, and only when it has been determined that there is no other way to bring criminal proceedings against the perpetrators.

The utmost respect for the principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality, political independence and non-interference in the internal affairs of States, is of vital importance in the application of the principle of universal jurisdiction.

The application of the principle of universal jurisdiction should be duly limited by absolute respect for the sovereignty, national jurisdiction and legal systems of States. The application of universal jurisdiction should be supplementary to the actions and national jurisdiction of each State, and under no circumstances should preference be given to universal jurisdiction over national jurisdiction. The application of universal jurisdiction should be limited to exceptional situations and to circumstances in which there is no other way to prevent impunity.

In addition, the scope of the principle of universal jurisdiction cannot be so far-reaching as to undermine the immunity granted under international law to Heads of State and/or Government, diplomatic personnel and other high-ranking officials. The immunity attached to those offices must not be called into question.

Universal jurisdiction cannot be used as a pretext to disparage and discredit the integrity, values and legality of different legal systems. The principle of universal jurisdiction should not be applied in order to diminish respect for a country's national jurisdiction or distort its legal system.

Cuba reiterates its concern at the unwarranted use of this principle and denounces the unilateral, selective and politically motivated exercise of jurisdiction by the courts of certain developed countries against natural or juridical persons from developing countries, which has no basis in any international norm or treaty.

Cuba condemns the adoption at the national level of politically motivated extraterritorial laws targeting other States. This interventionist application and scope of the principle of universal jurisdiction is detrimental to the norms and principles of international law.