



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

UN General Assembly **Sixth Committee: The Scope and Application of the Principle of Universal Jurisdiction**

New Zealand statement

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**NEW ZEALAND
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Mr/Madam Chair,

I have the honour to speak today on behalf of Canada and Australia, as well as New Zealand, together known as 'CANZ'.

We thank Member States for their contributions to the annual report on the use of universal jurisdiction in domestic law and look forward to a robust discussion on pressing forward with this topic. CANZ also acknowledges the work of those States that have incorporated universal jurisdiction over serious international crimes into their domestic legislation, and encourages others to do the same.

CANZ acknowledges the long established principle of universal jurisdiction, which provides a legal basis for States to prosecute the most serious crimes of international concern, regardless of where the conduct occurred and the nationality of the perpetrator, and irrespective of any other links between the crimes and the prosecuting State.

We also underscore the necessity of ensuring that perpetrators of serious crimes of concern to all States are brought to justice.

Mr/Madam Chair

Universal jurisdiction offers a powerful mechanism for prosecuting perpetrators of serious international crimes. With that in mind, CANZ wishes to emphasise the necessity that the principle of universal jurisdiction is exercised in good faith and with regard to other principles and rules of international law including the rule of law, natural justice, and the laws relating to diplomatic relations and privileges and immunities. The application of universal jurisdiction must be consistent with the rule of law, including the equality of persons before the law and fair trial obligations. CANZ maintains that, as a general rule, the primary responsibility for investigating and prosecuting serious international crimes rests with the State in which the conduct occurs. Universal jurisdiction provides a complementary framework to ensure persons are held accountable for grave crimes of universal concern and cannot enjoy safe haven.

The principle entitles States to investigate and prosecute serious international crimes where States with jurisdiction to prosecute based on territoriality or nationality are unable or unwilling to do so – often due to the movement of the accused to another country. In upholding respect for this principle, States must ensure that universal jurisdiction is only applied to those crimes that are recognised as the most serious and abhorrent such as genocide, war crimes, crimes against humanity, slavery, torture and piracy. Universal jurisdiction

ensures conduct that is considered to be of grave concern by the international community does not go unpunished.

Mr/Madam Chair

An often repeated criticism of Universal Jurisdiction is that it can be used by States to usurp or undermine sovereign immunity. In our view, however, immunities can be relied upon where universal jurisdiction is the basis for an investigation or prosecution, in exactly the same way as those immunities can be asserted where a territorial State seeks to exercise jurisdiction over a foreign national accused of having committed crimes on its territory.

It is also important not to confuse universal jurisdiction with other principles of international law, including the obligation to extradite or prosecute. Although this obligation is similarly designed to combat impunity, it does not provide a jurisdictional basis per se.

Mr/Madam Chair

We have a responsibility to ensure free and frank dialogue on the scope and application of the principle of universal jurisdiction. It is important that we work cooperative and collaboratively to hold perpetrators to account.

Member States must collectively respond swiftly, impartially, and thoroughly to crimes that shock the global conscience. We thank the Secretary General for this year's report providing information from those States and organisations that submitted a response in accordance with resolution. CANZ looks forward to working with other members of this Committee, with the end of ensuring perpetrators of crimes that offend the very conscience of humanity do not go unpunished.