



Permanent Mission of Ecuador to the United Nations

Pro Tempore Presidency

70th Session of the United Nations General Assembly

ITEM 86

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

STATEMENT BY THE PERMANENT MISSION OF ECUADOR

TO THE UNITED NATIONS

ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES

New York, 20 October 2015

-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,

The agenda item “Scope and application of the principle of universal jurisdiction” was first included in 2010 at the request of the African Union. Our region has been actively involved ever since.

Today, CELAC reiterates the importance we give to this agenda item as a topic that concerns all Member States. Our group stresses once again that the framework for the study and analysis of these matters is established under International Law, explicitly under previously agreed conventions and treaties, raising pertinent issues that guide the work of the Sixth Committee.

In this session, we take note of a sixth report elaborated by the Secretary-General on the item, document A/70/125, compiling more comments and observations from Governments and Civil Society on this issue, including from two CELAC countries – Cuba and Peru. 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 68/117 of 18 December 2013.

CELAC recalls that during the 66th session of the General Assembly, the Chair of the Working Group presented a document entitled "Informal working notes from the Chair 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.

Following the procedure agreed in 2011, the Working Group has discussed thoroughly during its 2012, 2013 and 2014 sessions, each of the sections of the roadmap prepared by the Chair: first, the elements of the concept of Universal Jurisdiction, including its role and purpose, its relevant components and the distinction from other related concepts; then, the Scope of Universal Jurisdiction, dedicating several meetings to the possible list of crimes, and finally, the conditions for its application, including procedural aspects and interaction with other concepts of international law.

As a result of our previous efforts, we have been capable of advancing in our dialogue. Thus, the Working Group has explored several points of common understanding, along with others that might need further discussions.

CELAC believes that since the inclusion of Universal Jurisdiction as an Agenda Item was requested with the view to establish guidelines for its application it would be very productive to discuss about starting working during this session on such guidelines, building on our prior discussions.

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 in a supplementary manner to sovereign jurisdiction where applicable, according to the territorial and nationality nexus.

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. Even though after four years we still cannot predict the outcome that the Working Group might reach, but we do believe it is time to build on our very fruitful discussions. 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 some or all elements of this topic.

I thank you, Mr. Chairman.